

340 – 350 FREMONT STREET

Final Environmental Impact Report

Planning Department Case No. 2004.0552E

Draft EIR Publication Date:
March 25, 2006

Draft EIR Public Hearing Date:
April 27, 2006

Draft EIR Public Comment Period:
March 25 to April 28, 2006

Final EIR Certification Date:
June 15, 2006

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SAN FRANCISCO
CITY PLANNING COMMISSION
MOTION NO. 17266

ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED RESIDENTIAL PROJECT, LOCATED AT 340-350 FREMONT STREET IN THE RINCON HILL PLAN AREA, ASSESSOR'S BLOCK 3748, LOTS 6, 7, 8, 9. THE 340-350 FREMONT STREET FINAL ENVIRONMENTAL IMPACT REPORT IS TIERED FROM THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE RINCON HILL PLAN (CASE NO. 2000.1081E; STATE CLEARINGHOUSE NO. 1984061912, CERTIFIED PURSUANT TO CITY PLANNING COMMISSION MOTION NO. 17007).

MOVED, That the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the Final Environmental Impact Report identified as case file No. 2004.0552E, 340-350 Fremont Street (hereinafter "Project") based upon the following findings:

1) The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") prepared a program EIR for the Rincon Hill Plan that analyzed potential impacts associated with the creation of a new zoning district that would encourage the development of high-rise residential uses and other neighborhood improvements in an area of San Francisco generally bounded by Folsom Street, Steuart Street, The Embarcadero, Bryant Street, Beale Street, the Bay Bridge Approach, and the Transbay Terminal Ramps.

a. The 340-350 Fremont Street project is within the scope of the project analyzed in the Rincon Hill Final Program EIR. That program EIR adequately describes the impacts of the proposed 340-350 Fremont Street project with the exception of project-specific impacts to historic resources.

b. Consequently the Department determined that a focused EIR was required for the 340-350 Fremont Street project to analyze the project's impacts to historic resources, which was tiered off the Rincon Hill Final Program EIR.

2) The Department fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq., hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000 et seq., (hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").

a. On March 25, 2006, the Department published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.

b. Notices of availability of the DEIR and of the date and time of the public hearing were posted on and near the project site by Department staff on March 30, 2006.

c. On March 25, 2006, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, and to government agencies.

3) The Commission held a duly advertised public hearing on said Draft Environmental Impact Report on April 27, 2006 at which opportunity for public comment was given, and no public comment was received on the DEIR. The period for acceptance of written comments ended on April 28, 2006.

4) The Department prepared responses to comments on environmental issues received in writing during the 30-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a "Draft Comments and Responses" document, published on May 16, 2006 was distributed to the Commission and to all parties who commented on the DEIR, and was available to others upon request at Department offices.

5) A Final Environmental Impact Report has been prepared by the Department, consisting of the Draft Environmental Impact Report, any consultations and comments received during the review process, any additional information that became available, and the Summary of Comments and Responses all as required by law.

6) Project Environmental Impact Report files have been made available for review by the Commission and the public. These files are available for public review at the Department offices at 1660 Mission Street, and are part of the record before the Commission.

7) On June 15, 2006, the Commission reviewed and considered the Final Environmental Impact Report and hereby does find that the contents of said report and the procedures through which the Final Environmental Impact Report was prepared, publicized and reviewed comply with the provisions of CEQA, the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code.

8) The Planning Commission hereby does find that the Final Environmental Impact Report concerning File No. 2004.0552E, 340-350 Fremont Street reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Comments and Responses document contains no significant revisions to the DEIR, and hereby does CERTIFY THE COMPLETION of said Final Environmental Impact Report in compliance with CEQA and the CEQA Guidelines.

9) The Commission, in certifying the completion of said Final Environmental Impact Report, hereby does find that the project described in the Environmental Impact Report, and the project preferred by the project sponsor will have a project-specific significant effect on the environment by resulting in the demolition of buildings which for purposes of CEQA are considered historic resources. The project would also result in a cumulative significant impact to historic resources, because it would remove two union halls that are part of a group of related historical maritime union buildings on Rincon Hill.

CITY PLANNING COMMISSION

File No. 2004.0552E, 340-350 Fremont Street
Assessor's Block 3748, Lots 6, 7, 8, 9
Motion No. 17266
Page Three

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of June 15, 2006.

Linda Avery
Commission Secretary

AYES: Commissioners Alexander, Antonini, Bell, Hughes, S. Lee, W. Lee, Olague

NOES: None

ABSENT: None

ADOPTED: June 15, 2006



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Changes from the Draft EIR text are indicated by a dot (●)
in the left margin (adjacent to the page number for figures).

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INTRODUCTION

Rincon Hill Plan EIR

The environmental impact report for the 340-350 Fremont Street project is tiered from the Final EIR for the Rincon Hill Plan (Case No. 2000.1081E; State Clearinghouse No. 1984061912; referred to hereinafter as the “Plan EIR” or the “Final EIR” [“FEIR”]). The Plan EIR is a Program EIR, pursuant to Section 15168 of the California Environmental Quality Act (CEQA) Guidelines. The Plan EIR analyzed amendments to the Planning Code and Zoning Maps and to the Rincon Hill Plan, an area plan within the San Francisco General Plan. The EIR analysis was based on assumed development and activity that was anticipated to occur under the Rincon Hill Plan, including a number of sites specifically identified for high-rise residential development. One of the sites specifically identified in the Plan EIR for development of a residential tower is 340-350 Fremont Street, which was included in the Rincon Hill Plan’s Preferred Option, as revised in the Final EIR and approved by the Planning Commission.

Subsequent to the certification of the Final EIR, in August 2005, the Board of Supervisors approved, and the mayor signed into law, revisions to the Planning Code, Zoning Maps, and General Plan that constituted the “project” analyzed in the Rincon Hill Plan EIR. The legislation created the Rincon Hill Downtown Residential Mixed Use (RH DTR) District, which covers most of the area bounded approximately by Folsom Street, Steuart Street, the Embarcadero, Bryant Street, Beale Street, the Bay Bridge west approach, and the Fremont Street off-ramp from the bridge. The legislation increased height limits within this area; amended the Rincon Hill Plan within the General Plan; imposed community improvement impact fees to fund open space, pedestrian and streetscape improvements, traffic calming, and a community center and library; and created a South of Market community stabilization fund to offset potential economic impacts, including effects related to affordable housing, economic and community development, and community cohesion. The project as approved by the Board of Supervisors included the same 340-350 Fremont Street residential tower as was analyzed in the Plan EIR.

The Rincon Hill FEIR included analyses of environmental issues including: land use and General Plan conformity; visual quality; transportation; population and housing; air quality; shadow; wind; hazardous materials; cultural (archaeological and historical) resources; hydrology and water quality; and growth inducement. Because the 340-350 Fremont Street project is proposed at the same location as described in the Plan EIR, at a slightly increased intensity (380 units, compared to 340 units in the FEIR), and the same height (400 feet) and similar bulk (tower floors would be between about 11 and 16 percent smaller than the FEIR project), the 340-350 Fremont Street project would represent a small part of the growth forecast for Rincon Hill in the Plan EIR, and thus the project analyzed in the Final EIR also included the impacts of the proposed 340-350 Fremont Street project.

The FEIR concluded, with regard to the two existing buildings on the project site, that the buildings could be historical resources under CEQA, pending further research. Project-specific analysis of the buildings at 340 and 350 Fremont Street has now been undertaken, and the analysis confirms the FEIR's provisional findings that the two buildings on the project site are historical resources as defined by CEQA. Therefore, their demolition would result in a significant unavoidable impact, and this tiered, project-specific EIR has been prepared to analyze that impact.

Tiering

The CEQA concept of "tiering" refers to the coverage of general environmental matters in broad program-level EIRs, with subsequent focused environmental documents for individual projects that implement the program. The project environmental document incorporates by reference the discussions in the Program EIR and concentrates on project-specific issues. CEQA and the CEQA Guidelines encourage the use of tiered environmental documents to reduce delays and excessive paperwork in the environmental review process. This is accomplished in tiered documents by eliminating repetitive analyses of issues that were adequately addressed in the Program EIR and by incorporating those analyses by reference.

In accordance with CEQA Sections 15152 and 15168(c), this project EIR is tiered from the Plan EIR, which is hereby incorporated by reference and which is available for review, by appointment during normal business hours, at the Planning Department, 1660 Mission Street, Suite 500, San Francisco, and at the Department's Major Environmental Analysis Division, 30 Van Ness Avenue, Suite 4150, San Francisco. To review the Plan EIR, please call Michael Jacinto, Environmental Planner, at (415) 558-5988. The Plan EIR is also available for review at the San Francisco Public Library (Main Library in Civic Center), Government Information Center.

The tiering of the environmental analysis for the proposed project allows this tiered EIR to rely on the Plan EIR for the following:

- (a) a discussion of general background and setting information for environmental topic areas;
- (b) overall growth-related issues;
- (c) issues that were evaluated in sufficient detail in the Plan EIR for which there is no significant new information or change in circumstances that would require further analysis; and
- (d) cumulative impacts.

Thus, this EIR should be viewed in conjunction with the Plan EIR. The purpose of this tiered EIR is to evaluate the potential environmental impacts of the 340-350 Fremont Street project with respect to the Plan EIR to determine what level of additional environmental review, if any, is appropriate.

This tiered EIR includes, in addition to the analysis of impacts to historical resources, discussion of the effects particular to the project as currently designed, including assessment of project-specific impacts

related to land use and planning, visual quality, transportation, shadow, wind, hazardous materials, cultural resources, and growth inducement. In addition, there is a brief discussion of geology (discussed in the Plan EIR Initial Study, contained in FEIR Appendix A), based on a site-specific geotechnical investigation. This analysis concludes that the proposed project was included in the preferred option and overall program analyzed in the FEIR, and the project would not result in any new or substantially more severe impacts than were identified in the Plan EIR, other than in regard to historical resources.

As noted in the Final EIR, "individual projects that may be proposed in the future under the Rincon Hill Plan would undergo project-level environmental review to determine whether they could generate further impacts specific to their site, time and configuration." This tiered EIR concludes that the proposed residential tower at 340-350 Fremont Street (Case No. 2004.0552E) was encompassed within the analysis in the Program EIR for the Rincon Hill Plan, that the Plan EIR adequately described the impacts of the proposed 340-350 Fremont Street project, and that the applicable mitigation measures in the Plan EIR, as adapted for project-specific conditions described in this EIR, would mitigate all impacts of the 340-350 Fremont Street project to a less-than-significant level, with the exception of effects on historical resources.

Mitigation measures identified in the Plan EIR that apply to the proposed project will be required to be implemented as part of the 340-350 Fremont Street project. The mitigation measures in the Plan EIR that are appropriate to be implemented as part of the project are identified, and discussed in Section IV, p. 67.

CHAPTER I

Summary

A. Project Description (p. 6)

The approximately 31,400 square-foot project site (Assessor's Block 3748; Lots 6, 7, 8, and 9) is situated about mid-block on the west side of Fremont Street between Folsom and Harrison Streets, and is occupied by two maritime labor union halls, each with an adjacent surface parking lot. The proposed project is essentially the same as that described in the FEIR, and would include demolition of both existing buildings and construction of a 40-story, 400 foot-tall building containing up to 380 residential units, with five levels of below-grade parking (up to 380 parking stalls, half of which would be independently accessible, as permitted in the Rincon Hill DTR). The pedestrian entrance and the vehicular parking access would both be on Fremont Street. The project would provide about 108 bicycle stalls, in compliance with the Rincon Hill DTR controls. Two off-street loading spaces would also be provided.

The building would consist of an eight-story (approximately 85 foot-tall) podium situated on the northern portion of the site, flanked by a 40-story (approximately 400 foot-tall) residential tower. The new building would be set back 20 feet from the north property line, and the setback devoted to a 20-foot mid-block passage, fronted by two-story townhouses. This passage would continue through the property and, assuming agreement can be reached with adjacent property owner(s), would extend to First Street. Of the 380 dwelling units, about three-fourths would be studios and one-bedroom units, with the remainder being two-bedroom or larger units.

The project site is within the 400-R height and bulk district (400-foot height limit, limitations on bulk above 85 feet in height). The project would be consistent with the height and bulk limits, including maximum plan dimensions and the Rincon Hill DTR district's tower separation requirement of 115 feet above 110 feet in height. The project would include approximately 20,400 square feet (sq. ft.) of private and common open space, including about 12,150 sq. ft. in the form of courtyards and terraces, the mid-block passage, and a pocket park north of the passage, and about 8,250 sq. ft. as private upper-story balconies. The project sponsor would provide additional publicly-accessible open space at an off-site location, consistent with the RH DTR district controls that permit up to 50 percent of the Code-required 75 sq. ft. per unit of open space off-site within the Rincon Hill DTR district. Project construction is expected to begin in mid-2006, and would extend over approximately 27 months.

B. Main Environmental Effects

This tiered environmental impact report, for the 340-350 Fremont Street project, focuses on issues in regard to historical resources. All other potential environmental effects of the proposed project either were less than significant or were reduced in severity to a less-than-significant level with mitigation measures to be implemented by the project sponsor, or the project was found not to contribute considerably to cumulative significant impacts. These other issues are discussed in Section III.B.

Historical Resources (p.20)

The two structures on the project site are considered historical resources for purposes of CEQA. The building at 350 Fremont Street appears to be eligible for listing in the California Register of Historical Resources under Criterion 1 (Event) for its association with the McCarthy-era attack on left-wing unions by both the U.S. government and right-wing unions determined to seize power on the waterfront. The building at 340 Fremont Street, while not individually eligible for the California Register, appears potentially eligible under Criterion 1 as a contributing structure to a related group of maritime union structures on Rincon Hill; this group also includes 350 Fremont Street, which is also a contributing structure to the group.

The proposed project would demolish include demolition of both buildings, which would be considered a significant impact that could not be fully mitigated. The project would also result in a cumulative significant impact, because it would remove two union halls that are part of a group of related maritime union buildings on Rincon Hill. This impact would also be significant and unavoidable. Mitigation identified in the EIR (Chapter IV) could reduce the severity of both the project-specific and cumulative impacts, but not to a less-than-significant level. Therefore, the project would result in significant unavoidable impacts on historical resources.

Other Environmental Issues (p. 37)

This is a Tiered EIR, in accordance with Section 15152 and 15168 of the CEQA Guidelines. This EIR is tiered from the Final EIR for the Rincon Hill Plan. That FEIR analyzed and adequately addressed other potential impacts of the proposed 340-350 Fremont Street project, and that the analysis in this Tiered EIR confirms that the 340-350 Fremont Street project would not have any additional effects that were not examined in the Plan EIR, nor would any identified impacts be substantially more severe, nor has any new or additional information has come to light that would alter the conclusions of the Final EIR for the Rincon Hill Plan.

C. Areas of Controversy and Issues to be Resolved

The primary issue to be resolved is whether the two buildings on the project site, which have been determined to be historical resources under CEQA, should be demolished to allow for development of the proposed project, which would create approximately 380 new residential units in Rincon Hill.

D. Main Mitigation Measures (p. 67)

The following mitigation measures are identified to reduce, but not eliminate, the project's significant effects on historical resources. (Mitigation measures for other impacts are included in Chapter IV, p. 67.)

- • **HABS Recordation.** To partially offset the loss of 340 and 350 Fremont Street, the project sponsor shall, at a minimum, ensure that a complete survey, to the standards of the Historic American Building Survey (HABS), is undertaken prior to demolition. This survey should include a written description and historic narrative, and large-format photographic recordation of the 340 and 350 Fremont Street buildings in their present condition, as well as photo-documentation relevant to the buildings' historic use. The HABS documentation produced pursuant to this measure shall be made available to the San Francisco Public Library History Room, the Museum of the City of San Francisco, and the Labor Archives and Research Center at San Francisco State University, in conjunction with the Area Survey prepared pursuant to Mitigation Measure 1b, and shall also be incorporated into the Permanent Interpretive Exhibit prepared pursuant to Mitigation Measure 1c to the maximum feasible extent.
- • **Area Survey.** To partially offset the cumulative loss to the historic context of the existing area, and to support the development of Mitigation Measure 1c, a historic narrative and survey shall be prepared to record the patterns of history and significance of Rincon Hill in the context of buildings associated with (e.g., owned or occupied by) maritime labor organizations important to the area history, including map locations. The resulting documentation shall include large-format photographic recordation (both current and historic), and identification of salvage materials and building elements. Written materials and large-format photography shall be presented to the San Francisco Public Library History Room, the Museum of the City of San Francisco, and the Labor Archives and Research Center at San Francisco State University.
- • **Permanent Interpretive Exhibit.** To partially offset the cumulative loss to the maritime labor historic context of the existing area, a detailed, high-quality exhibit on maritime worker history in San Francisco, specifically focusing on the period from 1936 to 1966, and on AFL maritime unions and social institutions that located major structures on Rincon Hill during that time, shall be prepared. The exhibit should include historic photographs, archeological and salvage artifacts, and interpretive text on twentieth century strike history and labor life. A labor historian experienced in that field and an architectural historian qualified as per the Secretary of the Interior's Standards shall conduct the research for the exhibit, and design of the exhibit shall be in consultation with a professional exhibit designer and/or public art historian, and with representatives of some of the major surviving maritime unions, especially the International Longshore and Warehouse Union and the Sailors' Union of the Pacific. The exhibit shall be placed on permanent public display in the immediate vicinity of the existing buildings involved in the context, and shall be created with materials suitable to its location (e.g., durable waterproof materials for exterior display). If the Sailors' Union of the Pacific union hall becomes a community center, as envisioned under the Rincon Hill Plan, a public space in the building such as the lobby would be an ideal location to place the exhibit on permanent display. In addition to the permanent exhibit, additional materials for off-site lectures, presentations, or temporary exhibits at other locations, such as the Museum of the City of San Francisco, may be developed. Additionally, the exhibit should include an outdoor public information component in the form of an Interpretive Trail presenting neighborhood history through public interpretive information and photos, such as through the installation of information plaques in the sidewalk (as used for the Barbary Coast walk) and/or on new buildings developed on Rincon Hill, or the installation of informational kiosks (as along the Embarcadero) or some similar approach that would inform the public as to important sites in the history of maritime labor on Rincon Hill. An accompanying publication should be prepared, drawing upon the area survey and research, presented in one or more accessible formats for public information, made available in electronic form through a website and hardcopy formats available on-site and elsewhere. Plans for implementation of this measure shall be developed by Planning Department staff working with the project sponsor(s) and the qualified professionals noted above prior to the issuance of demolition permits, and the proposal shall be presented to the Landmarks Preservation Advisory Board for review and comment.

Implementation of the above mitigation measures would reduce the effects on historical resources, but not to a less-than-significant level. Therefore, the impact would be significant and unavoidable.

E. Alternatives to the Proposed Project (p. 77)

Alternative A: No Project

This alternative would entail no change to the site, which would remain in its existing condition. Each of the buildings on the project site would be retained. Both of the maritime unions that occupy the site have made arrangements to relocate to Oakland, and it is therefore possible, but unlikely, that one or both of the two unions would remain on Fremont Street should this alternative be implemented. If either or both of the buildings were vacated, there is a potential that other office or commercial tenants could occupy the space. Such occupancy would likely be on a short-term basis, however, given the City's adopted policy direction, contained in the Rincon Hill Plan and the Rincon Hill Downtown Residential Mixed Use District, which promotes high-density residential use. Under this alternative, none of the project impacts that are described in Chapter III would occur. In particular, the two buildings on the project site would not be demolished. This alternative, therefore, would avoid the significant and unmitigable effect on historical resources that would occur with implementation of the proposed project. No new residential construction would occur on the project site, and therefore there would be no construction-related noise or air quality impacts (less than significant with the proposed project), nor would there be any potential exposure to—or, through mitigation, remediation of potentially contaminated soil or groundwater, which would be a less-than-significant impact of the proposed project. Archaeological resources would not be affected; this effect would be less than significant, as with the proposed project. Without new residential development, none of the less-than-significant transportation impacts of the proposed project would occur, nor would there be less-than-significant changes in views or wind or shadow impacts resulting from the high-rise residential tower that would be developed with the proposed project. Furthermore, this alternative would not meet the City's objectives under the Rincon Hill Plan to increase residential use in the Plan area.

Alternative B: Preservation Alternative

This alternative would retain both of the existing buildings on the project site and renovate each structure for residential use. For purposes of analysis, it is assumed that the renovation would be undertaken consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties. It is assumed that 350 Fremont Street could accommodate up to 13 dwelling units (four to six on each of the two main levels, depending on the size of the units, and a additional unit in the partial third floor, which was originally constructed as a custodian's apartment). At 340 Fremont Street, which is two stories tall, it is assumed that eight to twelve dwelling units could be provided, again depending on size. By retaining the two structures on the project site, this alternative would avoid significant and unmitigable effect on historic resources that would occur with implementation of the proposed project. All other impacts of the proposed project were found to be less than significant, and all other impacts of this alternative would also be less than significant. In particular, with a maximum of about 25 dwelling units, this alternative would have substantially less severe impacts than would the proposed project in terms of effects resulting from the intensity of development; that is, traffic volumes and traffic-generated air quality emissions, as well as noise and demand for public services (discussed in the Rincon Hill Plan Initial Study). Visual

effects would also be substantially less than those of the proposed project—approaching no impact—as the only changes in the existing buildings would likely to be fenestration, as additional windows would probably be required for residential units. There would be no new shadow or wind impacts, as the existing massing of the buildings would not change. Effects related to the location of the project site, such as geology, hydrology, and hazards, would be similar to or less substantial than those of the proposed project. This alternative, unlike the proposed project, would not meaningfully advance the goals of the Rincon Hill Plan to greatly increase the residential density of the neighborhood.

Alternative C: Partial Preservation Alternative

This alternative would include demolition of one of the two buildings on the project site (340 Fremont Street) and construction of a new residential structure at the location of this building. This alternative would retain the second existing building (350 Fremont Street, which has been determined individually eligible for listing on the California Register) and would rehabilitate this building for residential use. The new residential building would occupy the site of the existing 340 Fremont Street building and the adjacent parking lot to the south. With setbacks on either side and at the rear to allow for windows in all sides of the new building, it is assumed that the new building would have about seven residential units per floor. It is further assumed the building would be a maximum of 110 feet (11 stories) tall, the height at which the tower separation requirement is imposed under the Planning Code. Thus, the new building could accommodate up to about 70 units, allowing for lobby space at the ground floor. This alternative would also include approximately 13 dwelling units in the rehabilitated 350 Fremont Street, as with the Preservation Alternative, for a total of about 83 units. By retaining one of the two structures on the project site—the more historically important former Marine Cooks and Stewards building at 350 Fremont Street—this alternative would reduce, but would not completely avoid, the significant and unmitigable effect on historic resources that would occur with implementation of the proposed project. All other impacts of the proposed project were found to be less than significant, and similarly all other impacts of this alternative would also be less than significant. This alternative would have less substantial impacts than would the proposed project in terms of effects resulting from the intensity of development; that is, traffic volumes and traffic-generated air quality emissions, as well as and noise and demand for public services (discussed in the Rincon Hill Plan Initial Study). Visual effects would be less severe than those of the proposed project, as this alternative would not build a tower (greater than 110 feet) on the project site. Similarly, shadow impacts would be less substantial and wind impacts could be lesser, as well. Effects related to the location of the project site, such as geology, hydrology, and hazards, would be similar to those of the proposed project. This alternative would, like the proposed project, help to increase the residential density of the neighborhood, although to a lesser degree than the proposed project.

CHAPTER II

Project Description

A. Project Sponsor's Objectives

The proposed project has been designed to implement objectives of the Rincon Hill Plan, which include (among other things) the development of a dynamic, mixed-use residential neighborhood close to Downtown; maximizing housing in Rincon Hill, including housing that meets a variety of housing needs, especially affordable housing and housing to serve families; the achievement of an aesthetically pleasing residential community; development of a distinctive skyline form, with the tallest towers near the top of the hill; tower spacing to maintain view corridors and light and air; encouragement of a human scale streetscape, including ground-floor residential units that engage the street; and placement of parking underground.

Specific objectives of the project sponsor for the 340-350 Fremont Street project include:

- Provide approximately 375 dwelling units (and an equal number of parking spaces, through the use of an underground garage and tandem parking, as well as car-share parking), in a well-designed high-rise residential tower that conforms to all density, height and bulk, tower separation, and design requirements of the Rincon Hill Plan and Rincon Hill DTR Use District;
- Incorporate on-site amenities, including outdoor open space on the podium level, to ensure a high-quality living environment for project residents, and that meet the Rincon Hill Plan and zoning requirements;
- Develop a high-density residential project in proximity to Downtown to take advantage of Rincon Hill's access to employment opportunities and transit service;
- Provide affordable housing opportunities consistent with the requirements of the Rincon Hill Plan and Rincon Hill DTR Use District; and
- Ensure that the project is designed in such a manner that respects the design guidance in the Rincon Hill Plan and is a "good neighbor" in terms of urban design.

B. Site Location and Project Characteristics

The approximately 31,400 square-foot project site (Assessor's Block 3748; Lots 6, 7, 8, and 9) is situated about mid-block on the west side of Fremont Street between Folsom and Harrison Streets. The Bay Bridge is located one block south of the project site; an off-ramp is located at Fremont and Harrison Streets and an on-ramp at First and Harrison Streets, one block west. The site is occupied by two buildings that together provide 45,000 square feet of building space. Both buildings are owned and occupied by maritime labor unions, which currently use the space for office use and as hiring halls. The three-story concrete 340 Fremont Street building was constructed in 1962 and houses the National Marine Engineers Beneficial Association. The building at 350 Fremont Street, constructed in 1956, houses the Seafarer's Union. Also built of concrete, it is four stories at its north end and three stories with a basement at its south end. Both buildings have adjacent surface parking lots.

The proposed project is essentially the same as the 340-350 Fremont Street project described in the FEIR. The project would include demolition of both on-site buildings and construction of a 40-story, 400 foot-tall building containing up to 380 residential units.¹ The proposed building would contain about 558,700 gross square feet (gsf) of floor area, of which about 139,000 gsf would be devoted to parking (five below-grade levels and a ground-floor driveway). The remainder would consist primarily of residential space, as well as mechanical space, and a ground-floor lobby.

The pedestrian entrance to the building, as well as the vehicular parking access, would be on Fremont Street. The proposed project would provide up to 380 parking stalls, half of which would be independently accessible, as permitted under the Rincon Hill DTR district controls. The remaining half of the parking spaces would consist of 176 spaces in stackers and 14 valet spaces, both operated by a parking company. The project would comply with the Rincon Hill DTR district bicycle parking requirements, which require 25 spaces for the first 50 units, plus one space for each additional four units, for a total of about 108 bicycle parking spaces, which would be provided on the ground floor of the garage. Two off-street loading spaces would be provided in a loading dock accessible from Fremont Street.

The building would consist of an eight-story (approximately 85 foot-tall) podium situated on the northern portion of the site, flanked by a 40-story (approximately 400 foot-tall) residential tower. The new building would be set back 20 feet from the north property line, and the setback devoted to a 20-foot mid-block passage, fronted on the south by two-story townhouses. This passage would continue through the property and, assuming agreement can be reached with adjacent property owner(s), would extend to First Street. It is anticipated that the building would be constructed on a mat foundation and would require excavation to a depth of approximately 60 feet.

¹ The FEIR's Preferred Alternative included a 400-foot-tower with about 340 units and slightly larger tower floor plates of 10,000 sq. ft. and about eight residential units per floor for the site, whereas the project analyzed herein proposes floor plates between approximately 8,650 sq. ft. and 8,970 sq. ft. and about nine residential units per floor.

The ground floor of the proposed building would contain the residential lobby and building services (e.g. security, mail area, trash room, and utilities). The ground floor would also contain the lower level of four two-story townhouses along the building's northern edge, facing the mid-block passage. The townhouses would include private patios fronting the mid-block passage.

Of the 380 dwelling units, about three-fourths would be studios and one-bedroom units, with the remainder being two-bedroom or larger units. Each floor would include a mix of studios and one- and two-bedroom units. Floors two through eight would provide between 12 and 15 residential units, and floors nine through 40 would provide eight or nine units per floor. A mechanical penthouse would be located above the 40th level.

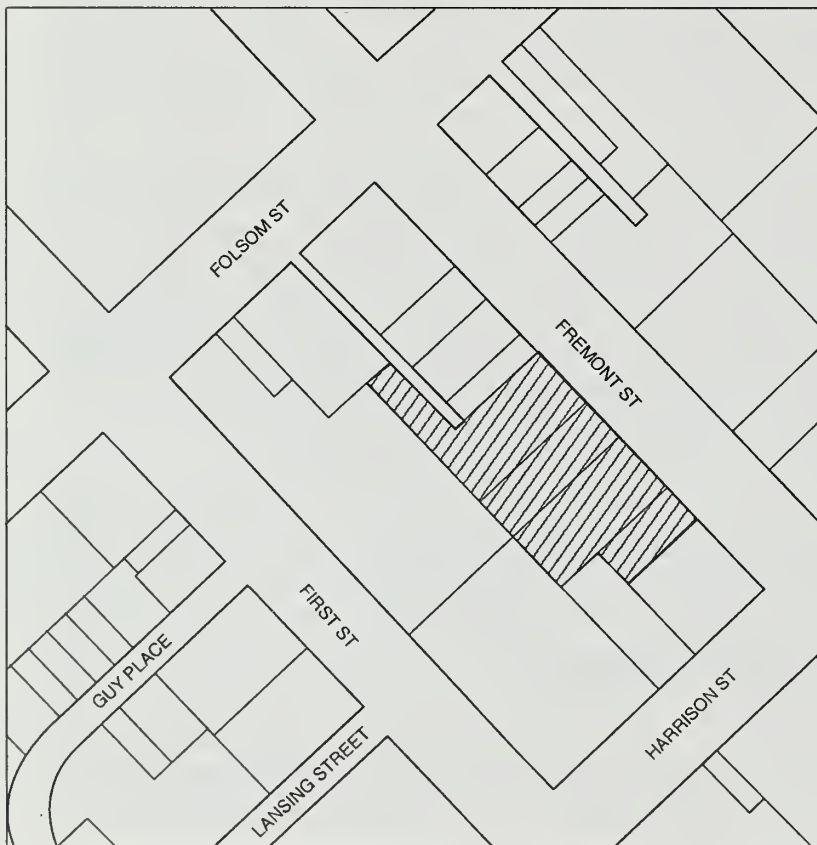
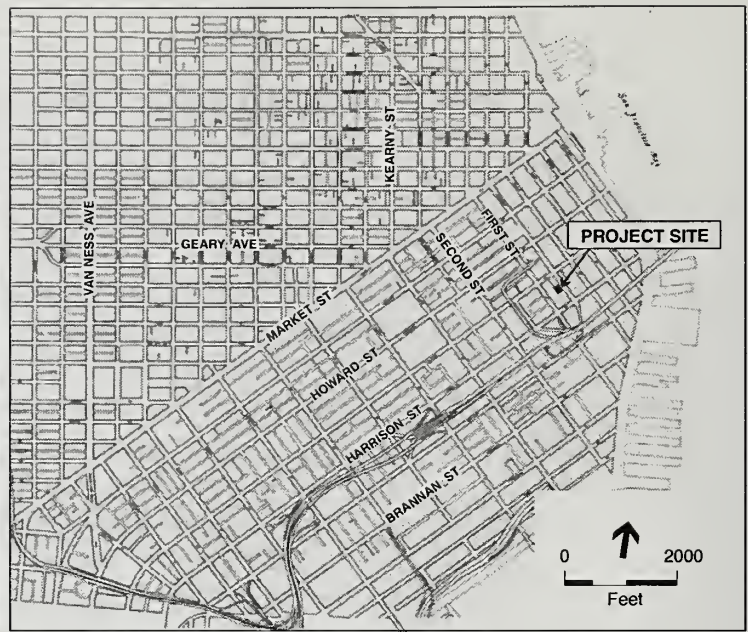
The project site is within the 400-R height and bulk district (400-foot height limit, limitations on bulk above 85 feet in height). The project would be consistent with the height and bulk limits. The bulk controls would limit the plan dimensions of a building to a maximum of 115 feet (horizontal) and 145 feet (diagonal) and an average floor area for all tower floors (above 85 feet) of 10,000 square feet (sq. ft.), with a 10 percent reduction in floor plate size for the top third of the building, unless the overall average floor area is 10 percent less than the permitted maximum. With a maximum tower floor area of 8,970 sq. ft., the project would comply with the bulk controls, as the entire tower would be more than 10 percent smaller than the permitted maximum. The project would also comply with the Rincon Hill DTR district's tower separation requirement of 115 feet between buildings above 110 feet in height. The project would include approximately 20,400 sq. ft. of private and common open space. About 12,150 sq. ft. of usable common open space for residents would be located on the first and second floors in the form of courtyards and terraces, the mid-block passage, and a pocket park north of the passage. Private open space (balconies) totaling approximately 8,250 sq. ft. would be provided on multiple floors for selected residential units. The project sponsor would provide additional publicly-accessible open space at an off-site location, consistent with the RH DTR district controls that permit up to 50 percent of the Code-required 75 sq. ft. per unit of open space off-site within the Rincon Hill DTR district.

Project construction is expected to begin in mid-2006, and would extend over an approximately 27-month period. The proposed building is planned to open in September 2008. Figure 1 shows the project location, while Figures 2 through 8, pp. 10 through 16, depict floor plans and elevations.

C. Project Approval Requirements

The San Francisco General Plan, which provides general policies and objectives to guide land use decisions, contains some policies that relate to physical environmental issues. The Planning Commission would review the project in the context of applicable objectives and policies of the General Plan. The project site is within the adopted Rincon Hill Plan of the General Plan.

General Plan objectives and policies relevant to the proposed project are discussed in Section III.B.1, Land Use, p. 37.



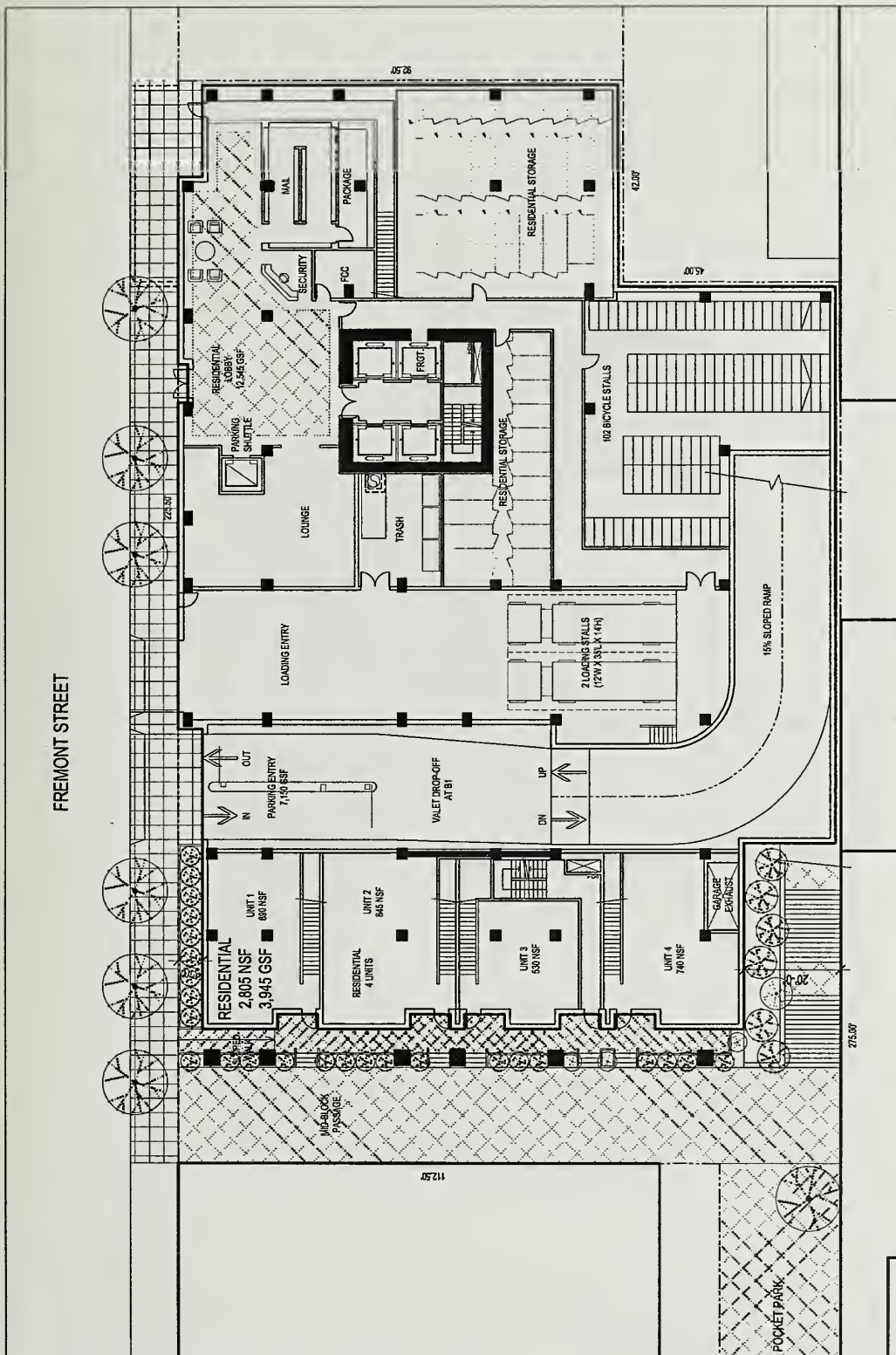
Project Site
Block - 3748
Lots - 6, 7, 8, 9



SOURCE: ESA

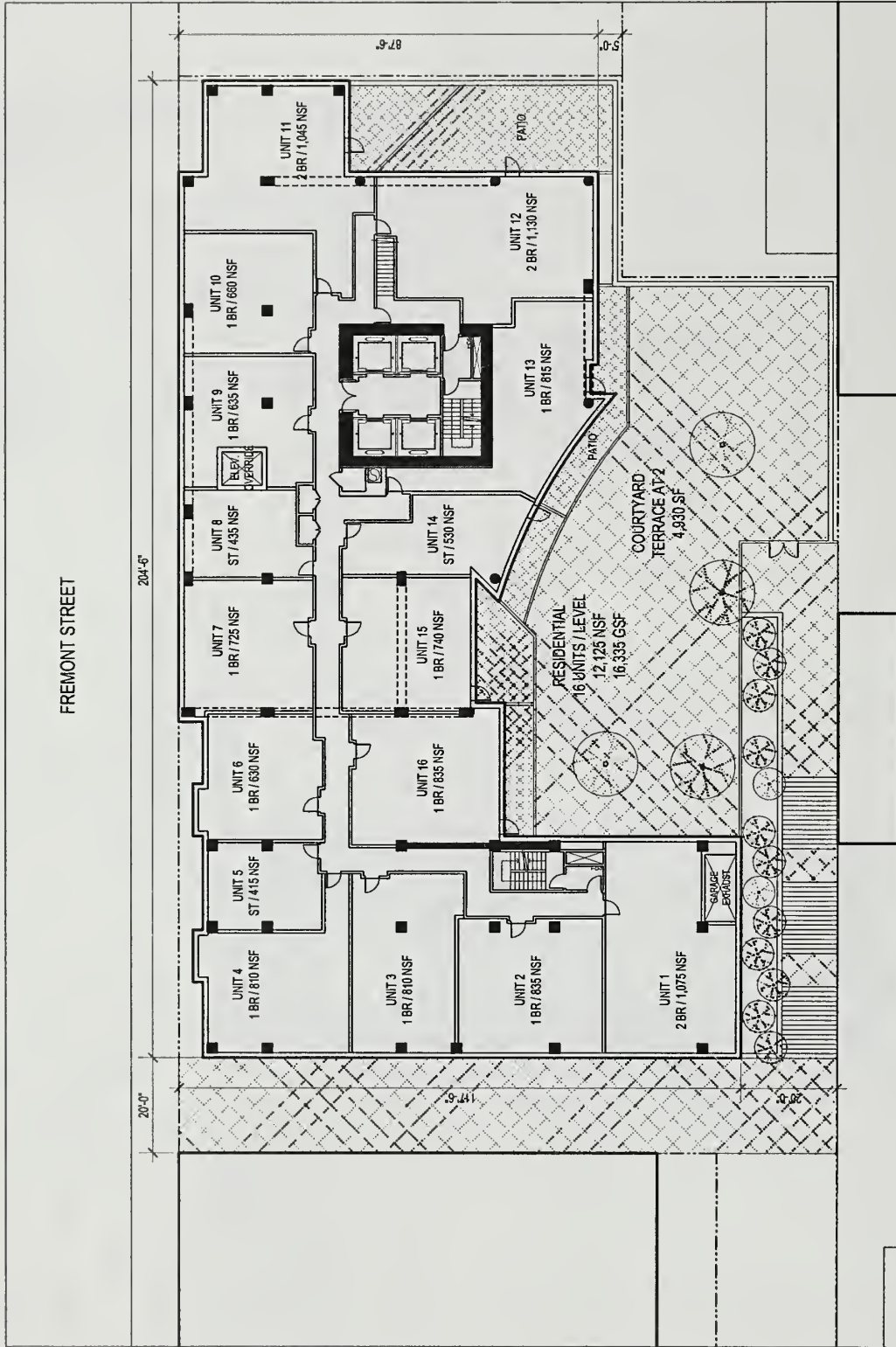
Case No. 2004.0552E: 340-350 Fremont Street Project . 204385

Figure 1
Project Location



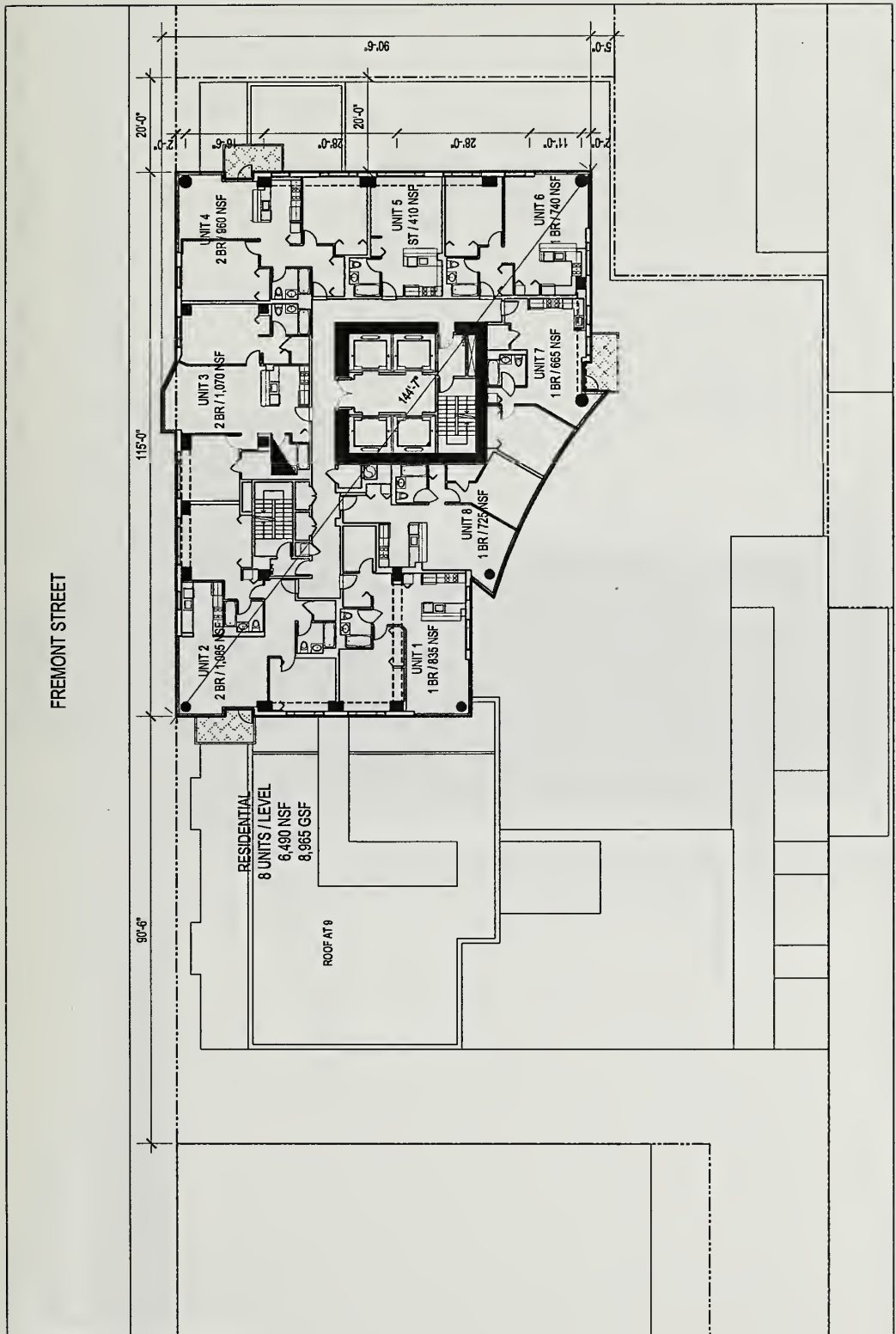
Case No. 2004.0552E: 340-350 Fremont Street Project . 204385
Figure 2
 Ground Floor Plan

SOURCE: Heller-Manus

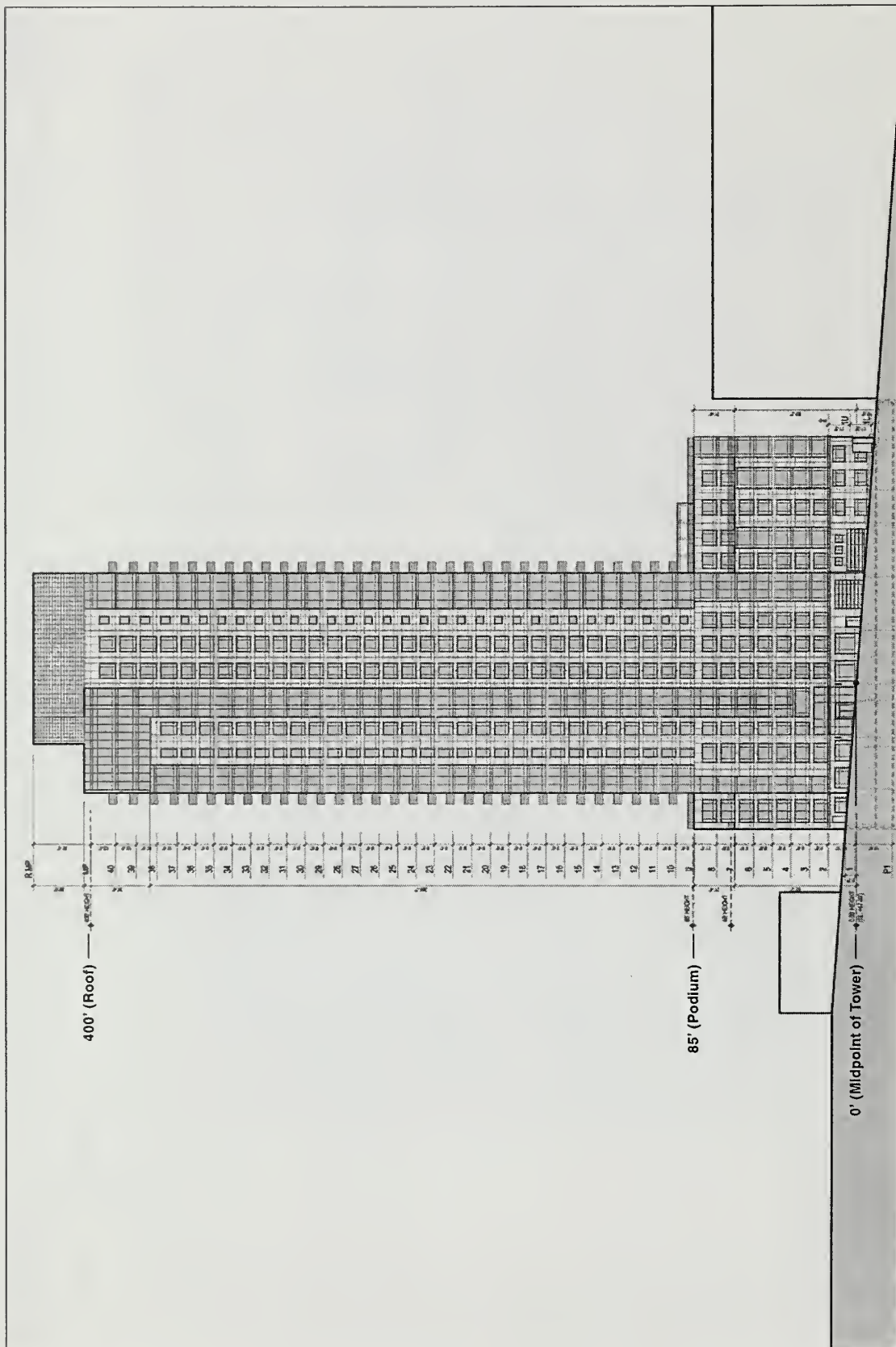


Case No. 2004.0552E: 340-350 Fremont Street Project . 204385
Figure 3
 Floor Plan
 Level 2

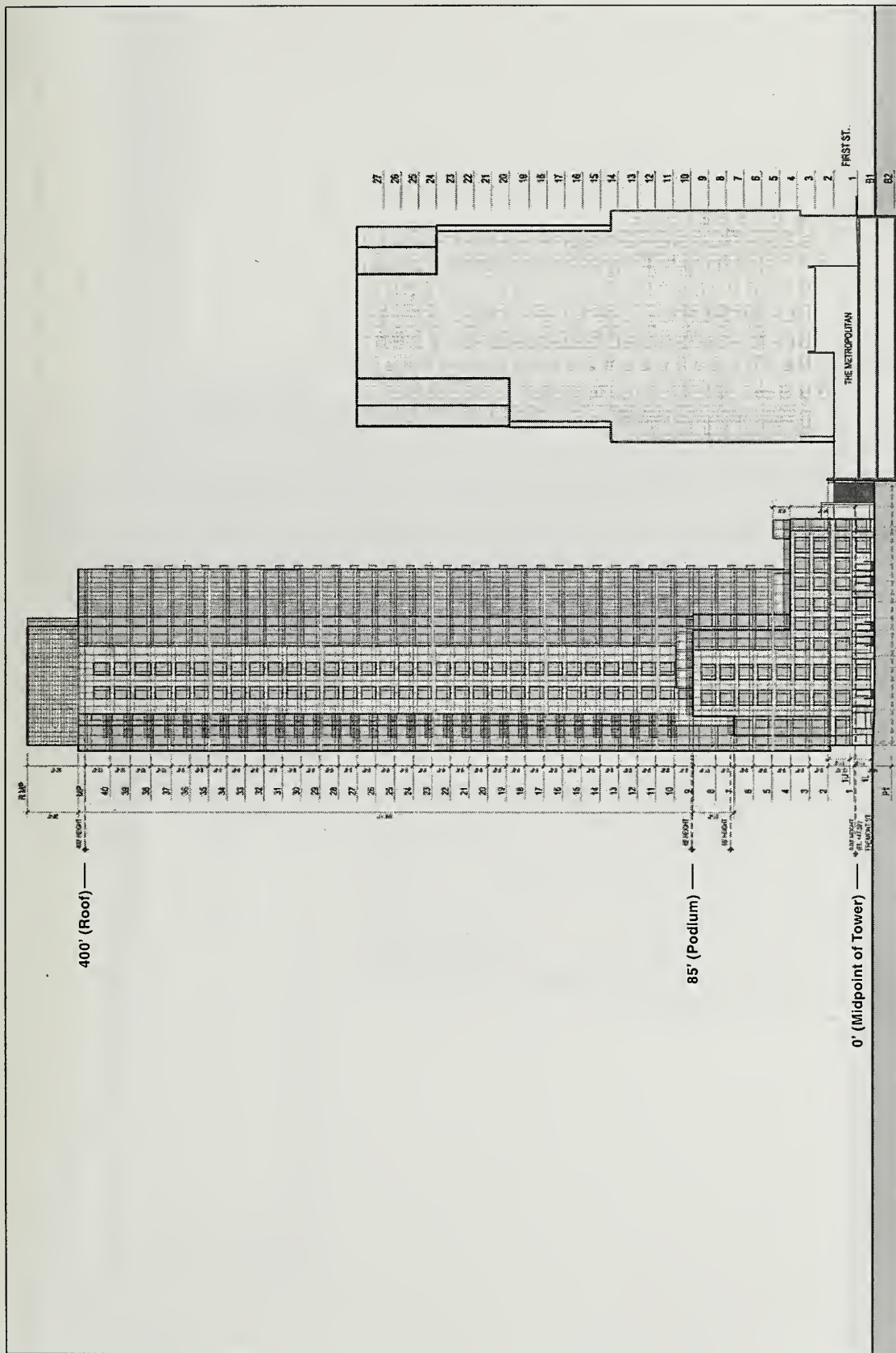
SOURCE: Heller-Manus



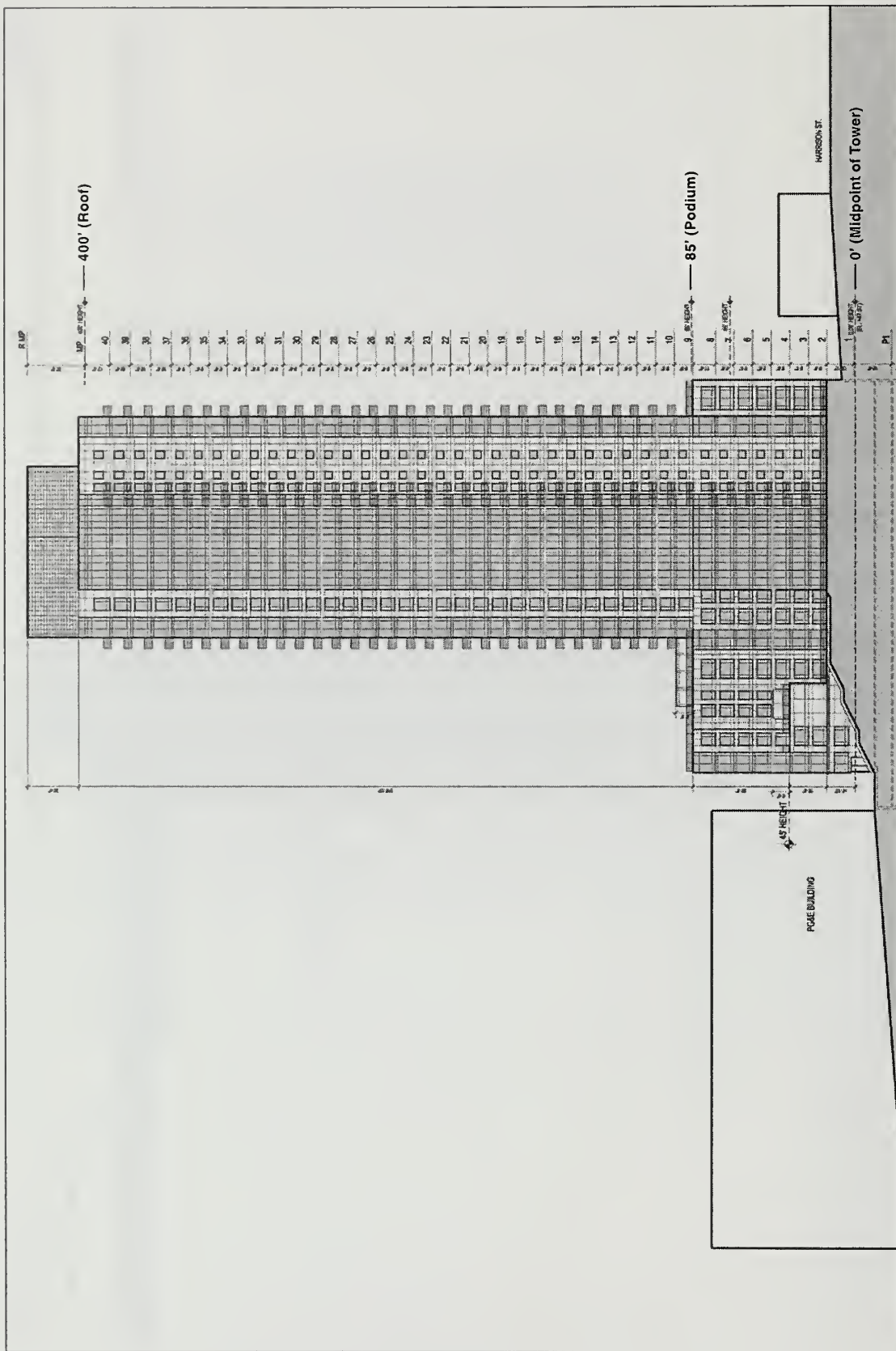
NOTE: The number of units per floor could vary slightly.



Case No. 2004.0552E: 340-350 Fremont Street Project . 204385
Figure 5
 East (Fremont Street) Elevation

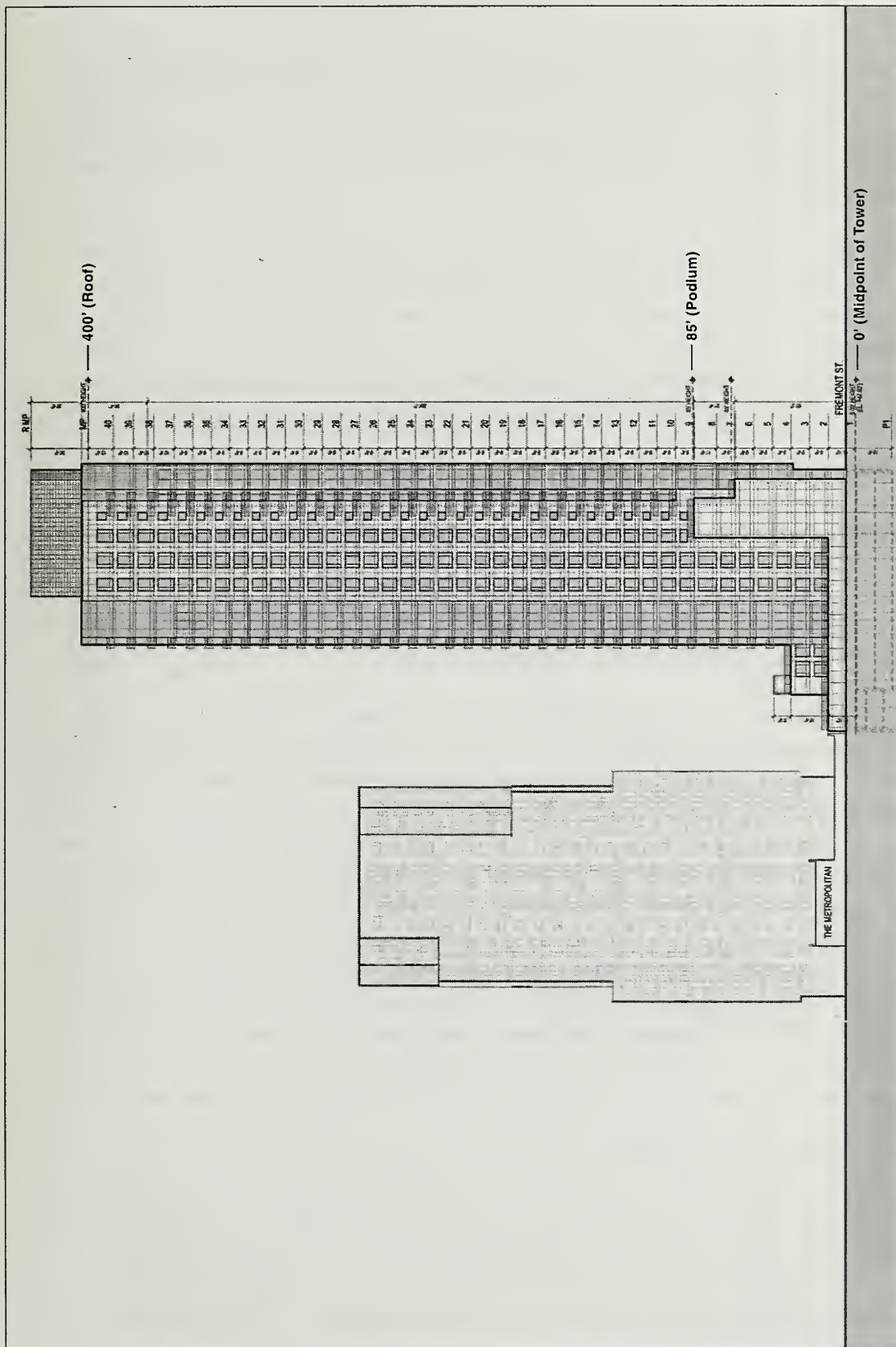


Case No. 2004.0552E: 340-350 Fremont Street Project . 204385
Figure 6
 North Elevation



Case No. 2004.0552E: 340-350 Fremont Street Project, 204385
Figure 7
 West Elevation

SOURCE: Heller-Manus



Case No. 2004.0552E: 340-350 Fremont Street Project . 204385
Figure 8
 South Elevation

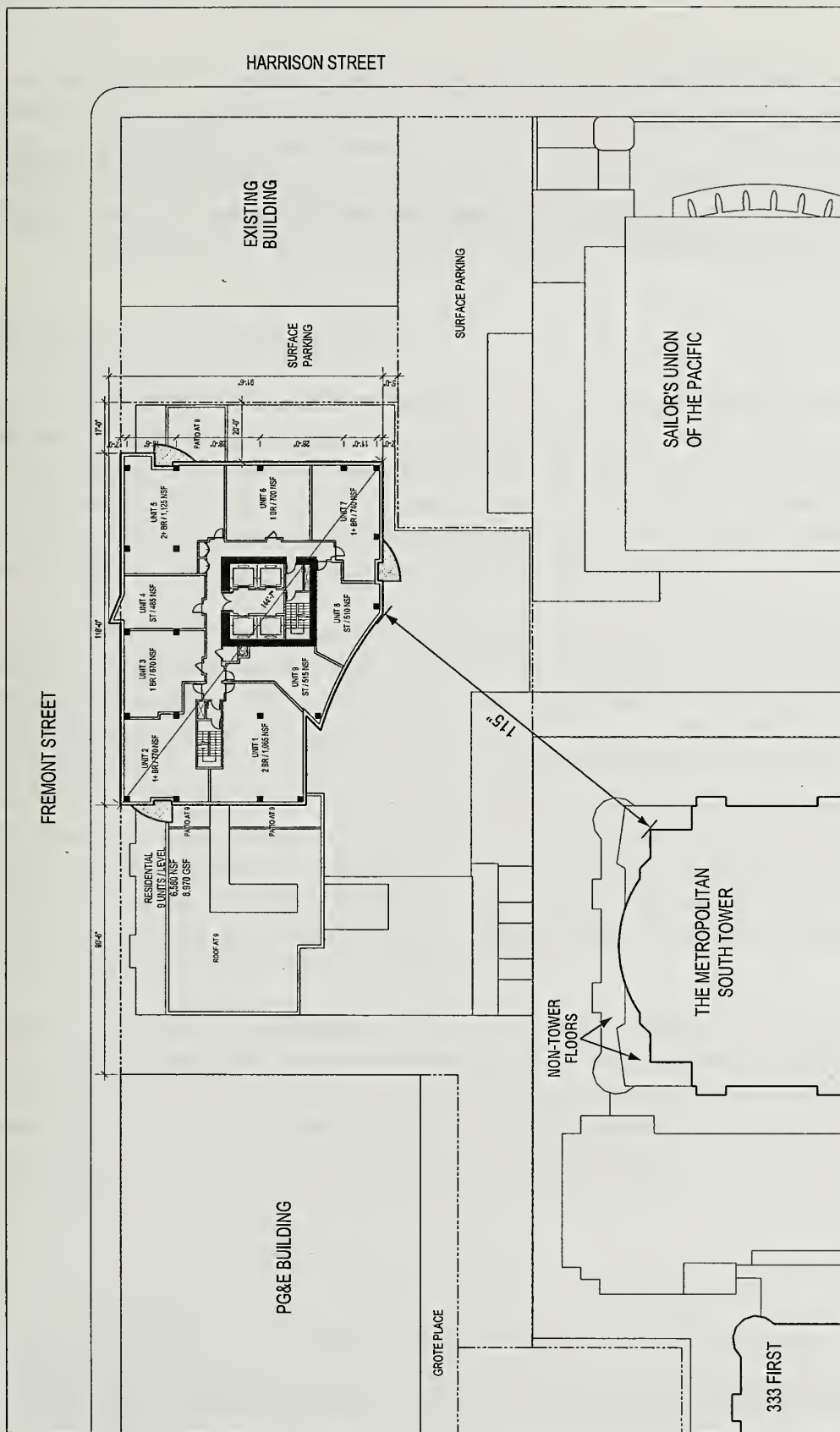
The San Francisco Planning Code implements the San Francisco General Plan, and governs permitted uses, densities and configuration of buildings within San Francisco. The Code incorporates by reference the City Zoning Maps. Permits to construct new buildings or to alter or demolish existing ones may not be issued unless the proposed project conforms to the Planning Code or an exception is granted pursuant to provisions of the Code.

The project site is located within the Rincon Hill Downtown Residential Mixed Use (RH DTR) District (Sec. 827 of the Planning Code). In general, Downtown Residential districts are intended as transit-oriented, high-density mixed-use residential neighborhoods in and around downtown, in areas that are in transition from commercial and industrial to residential uses. These districts encourage new housing within walking distance or a short transit-ride of downtown, supported by a mix of retail, and neighborhood services to meet the needs of residents and the larger downtown community (Sec. 825).

In the RH DTR District, high-density residential uses and supporting commercial and institutional uses are allowed and encouraged within the limits set by height, bulk, and tower spacing controls. Individual townhouse dwelling units with ground floor entries are required on streets that will become primarily residential, including Fremont Street. Traditional rear yards are generally not required, although setbacks are required in certain instances. Off-street parking must be located below grade. The Rincon Hill Plan's overall development concept is for podium development up to 85 feet in height, with slender residential towers spaced to provide ample light and air to the district (Sec. 827).

The project would be consistent with the RH DTR Use District with respect to land use, open space, parking, and other controls. The RH DTR district controls do not limit floor-area ratio. The project site is within a 400-R height and bulk district (400-foot height limit, limitations on bulk above 85 feet in height). For buildings in excess of 350 feet in height, such as the proposed project, the bulk controls in the 400-R district limit the plan dimensions to a maximum of 115 feet (horizontal) and 145 feet (diagonal), and an average floor area for all tower floors (floors above 85 feet) of 10,000 sq. ft., subject to a 10 percent reduction in floor plate size for the top third of the building's height, unless the overall tower's average floor area is 10 percent less than the permitted maximum. With a height of 400 feet and a maximum floor area of 8,970 sq. ft. on each tower story, the project would comply with the height and bulk controls. The project would also comply with the RH DTR district's tower separation requirement, which requires a minimum distance of 115 feet between towers above 110 feet in height. (As shown in Figure 9, the proposed tower's southwestern corner would have a curved façade to achieve the required 115-foot separation from the south tower of the existing Metropolitan (333 First Street) residential complex.

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which, among other things, established eight Priority Policies. These policies are: preservation and enhancement of neighborhood-serving retail uses; protection of neighborhood character; preservation and enhancement of affordable housing; discouragement of commuter automobiles; protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership; earthquake preparedness; landmark and historic building



preservation; and protection of open space. Prior to issuing a permit for any project which requires an Initial Study under the California Environmental Quality Act (CEQA), or adopting any zoning ordinance or development agreement, and before taking any action that requires a finding of consistency with the General Plan, the City is required to find that the proposed project, legislation, or action is consistent with the Priority Policies. The motion by the Planning Commission approving or disapproving the project will contain the analysis determining whether the project is in conformance with the Priority Policies.

CHAPTER III

Environmental Setting and Impacts

A. Historical Resources

The Rincon Hill Plan FEIR identified significant and unavoidable impacts to historical resources within the Plan area, resulting from the anticipated demolition of three known historic resources under CEQA (the buildings at 347 Fremont Street and 375 Fremont Street, and the former Union Oil Company building at First and Harrison Streets), as well as to other potential historical resources, including buildings at 340 and 350 Fremont Street. The FEIR further states that future specific development proposals in the Plan area could affect potential historical resources not yet identified as such.

The project site includes the building at 340 Fremont Street, the local headquarters of the Marine Engineers Beneficial Association, and the building at 350 Fremont Street, which houses the Seafarers International Union.² The FEIR concluded, on p. C&R-72 (in Chapter VIII, Summary of Comments and Responses), that, pending further site-specific research, the buildings at 340 and 350 Fremont Street “could be historical resources under CEQA, given their link to San Francisco labor history, and maritime labor history in particular,” which history was briefly documented in the FEIR. The document continues by stating, “Prior to demolition of any of the buildings for which no detailed site-specific historic evaluation has been prepared, a site-specific historic resources review by a Planning Department Preservation Technical Specialist would be undertaken to determine whether such buildings are, or could be, historical resources under CEQA. If a building is determined to be a historical resource under CEQA, its loss would be considered a significant unavoidable impact.”

Project-specific analysis of the buildings at 340 and 350 Fremont Street was prepared by Page & Turnbull Architects in November 2005, to evaluate the historical significance of the two union halls, as well as the significance of the potential loss of these buildings resulting from the proposed project.³ The historic resources evaluation (HRE) prepared by Page & Turnbull is equivalent to the requirement for a site-specific historic resources evaluation described in the FEIR, and the HRE has been reviewed by a Planning Department Preservation Technical Specialist, who generally concurred with the findings (see

² The building was built in 1956 by the Marine Cooks and Stewards Union, which was subsumed within the Seafarers Union in the late 1970.

³ Page & Turnbull, “340 & 350 Fremont Street, San Francisco, California, Historic Resource Evaluation,” November 2005. Available for review by appointment at the Planning Department, 1660 Mission Street, Suite 500, in Case File No. 2004.0552E.

additional discussion below).⁴ Because the HRE confirms the FEIR's provisional findings that the buildings at 340 and 350 Fremont Street should be considered historical resources under CEQA, their demolition would be considered a significant unavoidable impact, and thus the project would result in a new significant impact not definitively identified in the FEIR. Therefore this project-specific, Tiered EIR has been prepared to analyze that impact.

Setting

CEQA Section 21084.1 states that "a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment." A "historical resource" is defined as one that is listed in, or determined eligible for listing in, the California Register of Historical Resources. In addition, a resource that (i) is identified as significant in a local register of historical resources, such as Article 10 and Article 11 of the San Francisco Planning Code and certain other surveys that have been adopted by the City,⁵ or (ii) is deemed significant due to its identification in an historical resources survey meeting the requirements of Public Resources Code Section 5024.1(g), is presumed to be historically significant "unless the preponderance of the evidence demonstrates that the resource is not historically or culturally significant." Finally, CEQA Section 21084.1 permits a lead agency to determine that a resource constitutes a historical resource even if the resource does not meet the foregoing criteria. A "substantial adverse change" is defined in Section 15064.5(b)(1) of the state CEQA Guidelines as "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired."

Rating Buildings of Architectural and Historic Importance

National Register of Historic Places / California Register of Historical Resources

The National Register of Historic Places ("National Register") is the official U.S. government list of properties that have architectural, historical or cultural significance at the national, state or local level. The National Register is administered by the National Park Service, an agency of the Department of the Interior. Listing of a property in the National Register does not prohibit demolition or alteration of that property, but does denote that the property is a resource worthy of recognition and protection. Eligibility for the National Register is based on a property meeting one of four criteria: a property must be associated with important historical events (Criterion A) or persons (Criterion B); represent a specific type, period, or method of construction or be the work of an important architect (Criterion C); or yield important information about history or prehistory (Criterion D).

The California Register of Historical Resources (California Register) is an inventory of significant architectural, archaeological, and historical resources in the State of California. Resources can be listed in

⁴ Mat Snyder, Preservation Technical Specialist, Memorandum to Michael Jacinto, Major Environmental Analysis, March 16, 2006. Available for review by appointment at the Planning Department, 1660 Mission Street, Suite 500, in Case File No. 2004.0552E.

⁵ These include surveys of Dogpatch, the Central Waterfront, and North Beach, and the 1968 book *Here Today* (see below).

the California Register through a number of methods. State Historical Landmarks and National Register-eligible properties are automatically listed on the California Register.⁶ Properties can also be nominated to the California Register by local governments, private organizations or citizens. This includes properties identified in historical resource surveys with Status Codes of 1 to 5, and resources designated as local landmarks through city or county ordinances. The evaluative criteria used by the California Register for determining eligibility are closely based on those developed for use by the National Park Service for the National Register.⁷ In order for a property to be eligible for listing in the California Register, it must be found significant under one or more of the following criteria:

- Criterion 1 (Event): Resources that are associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.
- Criterion 2 (Persons): Resources that are associated with the lives of persons important to local, California, or national history.
- Criterion 3 (Architecture): Resources that embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of a master, or possess high artistic values.
- Criterion 4 (Information Potential): Resources or sites that have yielded or have the potential to yield information important to the prehistory or history of the local area, California or the nation.

The buildings on the project site are not listed in the National Register or the California Register, nor are they listed in the Directory of Properties in the Historic Property Data File for San Francisco County,⁸ which is maintained by the State Office of Historic Preservation (OHP).

Local Registers of Historical Resources

The Planning Department considers a listing of historical resources approved by ordinance or resolution of the Board of Supervisors or the Planning Commission to be a local register of historical resources for purposes of CEQA evaluation.⁹

San Francisco Planning Code

Article 10 of the Planning Code addresses preservation of historical, architectural, and aesthetic landmarks, citywide. Designation of a property as a city landmark (or of multiple properties as a historic district) requires approval by the Board of Supervisors of a designating ordinance. Article 10 is

⁶ National Register-eligible properties include properties that have been listed on the National Register, and properties that have formally been found eligible for listing.

⁷ In order to be determined eligible for listing in the National Register, resources less than fifty years of age must be shown to have “exceptional importance.” This is not the case with the California Register: according to the State Office of Historic Preservation (*How to Nominate a Resource to the California Register of Historical Resources*; Technical Assistance Series #7, 2001), a resource less than fifty years old may be considered for listing in the California Register if it can be demonstrated that sufficient time has passed to understand its historical importance.

⁸ The Directory of Properties is OHP’s inventory of properties listed on the National Register of Historic Places, California Register of Historical Resources, California Historical Landmarks, and California Points of Historical Interest.

⁹ Public Resources Code Sec. 5020.1(k) states, “‘Local register of historical resources’ means a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.”

considered an adopted local register of historical resources under CEQA, as it is a part of the Planning Code and is therefore subject to formal action by the Board of Supervisors. The project is not listed as a landmark under Article 10, nor is it included in a historic district identified in Article 10.¹⁰

Here Today

In 1968, the Junior League of San Francisco published the results of a five-year-long survey of historic buildings in San Francisco, San Mateo and Marin counties. Working with architectural, historic, and planning consultants, Junior League volunteers conducted research and surveyed the three counties. The resulting publication, *Here Today*,¹¹ was one of the first major surveys of historic architectural resources in San Francisco, and is considered by the Planning Department an adopted local register of historical resources under CEQA, as the findings of this survey were adopted by the Board of Supervisors. The project site is not included in *Here Today*.

Other Surveys of Historical Resources

1976 Citywide Survey

Between 1974 and 1976, the San Francisco Planning Department conducted a citywide survey of architecturally significant¹² buildings, rating buildings from a low “0” to a high of “5.” The inventory assessed the architectural significance of the surveyed structures from the standpoint of overall design and particular design features. Both contemporary and older buildings were included, but historical associations were not considered. Each building was given two numerical ratings, one for architectural quality and one for overall architectural significance, urban design context, and environment significance. (The latter rating is most commonly referred to.) The ratings ranged from a low of “0” to a high of “5.” The architectural survey resulted in a listing of the best 10 percent of San Francisco’s buildings. In the estimation of the inventory participants, buildings rated “3” or higher represent approximately the best two percent of the City’s architecture. Neither of the buildings on the project site was rated in the 1976 citywide survey.¹³

San Francisco Architectural Heritage

San Francisco Architectural Heritage (Heritage) is the city’s oldest not-for-profit organization dedicated to increasing awareness and preservation of San Francisco’s unique architectural heritage. Heritage has completed several major architectural surveys in San Francisco, the most important of which was the 1977-78 Downtown Survey.¹⁴ The primary survey area was published in book form as *Splendid Survivors*

¹⁰ Article 11 of the Planning Code addresses resources in the downtown (C-3 use districts), and therefore, although it is an adopted local register, does not apply to the project site.

¹¹ Junior League of San Francisco, *Here Today*, San Francisco: Chronicle Books, 1968.

¹² This use of the word significant in the context of historical resources is to be differentiated from its use under CEQA wherein it denotes an effect that constitutes a substantial adverse change in the environment. Significant, when used in reference to historical resources, denotes a resource’s importance.

¹³ The 1976 survey is not considered by the Planning Department an adopted local register of historical resources under CEQA, as no formal action was taken with regard to the survey.

¹⁴ The Heritage survey is not recognized by the San Francisco Planning Department as an adopted local register of historic resources for CEQA purposes, as the City has taken no formal action with regard to the survey.

in 1978.¹⁵ In the 1980s and early 1990s, the survey area was extended southward into the South of Market area, including Rincon Hill. The building at 350 Fremont Street was surveyed in 1984, when it was less than thirty years old, and was therefore not rated. However, the building was included in the survey because of the importance of maritime unions in the “district’s history,” although 340 Fremont Street was apparently not surveyed. The Heritage survey form notes that 350 Fremont Street was “compatible” with the neighborhood in terms of scale and visual relationship, and remarked upon the structure’s “vermiculite base,” the cornice on the first floor, the ripple surrounds at the entrance, and the portholes at the basement level.

Project Site

This section summarizes the findings of the 2005 Page & Turnbull Historic Resources Evaluation (see footnote 3, p. 20).

350 Fremont Street

The building at 350 Fremont Street (see Figure 10) was constructed between 1955 and 1956 as the headquarters for the Marine Cooks and Stewards Union (MCS-AFL). The original drawings and building permit application list no architect. The structural engineer on the project was Felix H. Spitzer, and the contracting work was awarded to the lowest bidders, K.G. Bitter & Associates of San Diego. The building is currently occupied by the Seafarers International Union (SIU), which subsumed the MCS-AFL in the late 1970s. It is a three-story-plus-basement reinforced-concrete structure, rectangular in plan, with a flat roof. (The third floor consists of a loft space that is only two bays deep.) The Fremont Street façade is five bays wide and features a two-part composition, with dark green, rectangular, ceramic veneer tile cladding on the first floor, and off-white tiles on the upper floors. A deep molded cornice of ceramic veneer tile runs between the first and second floors and wraps around the corners of the side elevations. A belt course, also of ceramic tile, divides the second and third floors. Fenestration consists of irregularly spaced, fixed, awning, and casement aluminum sash windows, some with transoms, and two portholes on the basement level, along with a roll-up garage door. The deeply recessed main entrance is located in the two southernmost bays and is reached by a set of terrazzo stairs with aluminum railings. Above the glass-and-aluminum doors of the entrance, a cantilevered aluminum sign reading “Seafarer’s” sits on the cornice; this sign replaced an earlier one that read “Marine Cooks & Stewards A F of L.” The side façades have little ornamentation and are clad in smooth stucco. The interior features materials typically used in offices during the mid- to late 20th century, although some materials were replaced in a 1980 remodeling.

340 Fremont Street

The 340 Fremont Street building (see Figure 11, p. 26) was constructed in 1962 as a union hall for the San Francisco branch of the Marine Engineers’ Beneficial Association (MEBA). The architect was

¹⁵ Page, Charles Hall & Associates; and Michael Corbett, *Splendid Survivors: San Francisco’s Downtown Architectural Heritage*, prepared for the Foundation for San Francisco’s Architectural Heritage. San Francisco: California Living Books, 1979.

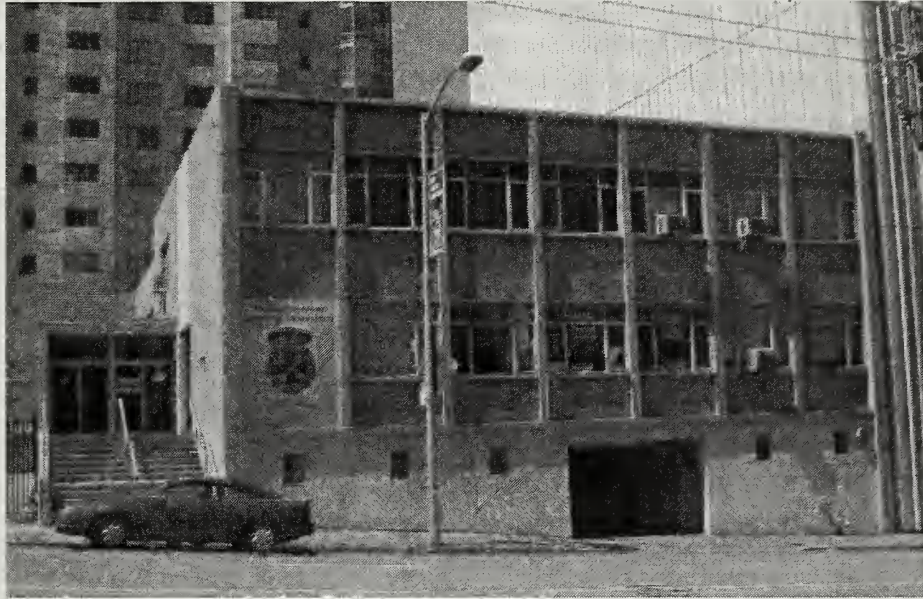


SOURCE: Page & Turnbull, ESA

Case No. 2004.0552E: 340-350 Fremont Street Project . 204385

Figure 10

Photos of 350 Fremont Street



SOURCE: Page & Turnbull; ESA

Case No. 2004.0552E: 340-350 Fremont Street Project . 204385

Figure 11
Photos of 340 Fremont Street

J. Francis Ward of San Francisco, and the contractor was Elvin C. Stendell Inc. The two-story-plus-basement reinforced concrete structure is rectangular in plan, with a flat roof in the front, a hip roof concealed by a parapet in the rear, and a plain aluminum cornice. The two-part, seven-bay main façade is divided horizontally between the basement story and the two main levels by a plain aluminum belt course. The basement is clad in smooth stucco and punctuated by a metal roll-up garage door in the fourth and fifth bays and small ventilation openings covered by recessed metal grilles in the remaining bays. The two main floors are divided vertically into bays by pilaster-like aluminum elements that extend from the belt course to the cornice. The main part of the façade is clad in small multi-shade green mosaic tiles. The remaining façades of the building are clad in smooth green stucco. A one-story vestibule sits on the south side of the building, accessed by a set of wide concrete stairs that lead to two entrances, one in the vestibule and a second in the south wall of the building. Doors are glass and aluminum. Fenestration consists of fixed, casement, and awning single-light aluminum sash windows, predominately with clear glass but some with obscure glass. On the left of the main façade is a large plastic sign for the Marine Engineers' Beneficial Association. Interior finishes appear to be largely original, and are typical of finishes found in office buildings of the mid-twentieth century.

Historic Context

Although Rincon Hill was San Francisco's first exclusive residential neighborhood, home to such 19th century luminaries as industrialist Peter Donohue, financier William Ralston, and U.S. Senators William Gwin and Milton Latham, industrial encroachment gradually lessened the desirability of the neighborhood, and the Second Street Cut of 1869—connecting Market Street with the shipyards of Steamboat Point—ended the neighborhood's run of exclusivity and led to the development of rooming houses (many in subdivided former mansions of the wealthy) and smaller dwellings mixed with industry. Also, St. Brendan's Church (now on Twin Peaks) occupied a site across Fremont Street from the project site. The entire neighborhood was leveled in the fires that followed the 1906 earthquake. Industrial development and warehousing associated with the City's active waterfront followed, with some residential shacks atop the hill. In the early 1930s, the state began buying land for construction of the San Francisco approach of the Bay Bridge, although the project site remained largely in industrial use through the 1940s. However, during the 1930s, Rincon Hill became famous nationwide after a conflict between strikers and police—now known as the "Battle of Rincon Hill"—took place on the Hill on July 6, 1934 during the 1934 Waterfront Strike, which came 13 years after an unsuccessful strike forced the City's maritime unions into a period of relative weakness. As described in the Rincon Hill Plan FEIR:

Rincon Hill played a not insignificant role in the "Great Strike" of 1934 on San Francisco Waterfront. With longshoremen having walked off the job nearly two months earlier in protest of harsh working conditions, maritime employers tried to force open the Port on July 3 by using their own trucking company to move cargo. Violence ensued as strikers and police battled. Two days later came the day that would go down in local history as "Bloody Thursday."

The decisive battle took place at Pier 38 on the morning of 5 July 1934, after a break for observance of the July Fourth holiday. Four thousand strikers formed a picket line around

freight trains loaded with scab cargo. Police threw tear gas bombs into the crowd of strikers, who fled up nearby Rincon Hill. Picketers held the police at bay by pelting them with bricks and bottles, but were forced to retreat by a massive attack of tear gas bombs that set the hill on fire. [¶] Workers on the nearby San Francisco-Oakland Bay Bridge (then under construction) quit work for the day to avoid being hit by stray bullets.¹⁶

After workers regrouped in front of their International Longshoremen's Association (ILA) union hall on Steuart Street near Mission, "police barricaded both ends of Steuart Street and advanced toward the picketers near the corner of Steuart and Mission streets, guns drawn. Hundreds of strikers were gathered there, and some may have been throwing rocks at the police. Without warning, the police suddenly opened fire on the crowd, killing two people and injuring many others."¹⁷ This prompted Governor Frank Merriam to call out the National Guard, which ended the street fighting but prompted ILA strike leader Harry Bridges to decry the intervention by the state and the city on behalf of ship owners.

Following the funeral parade for the two killed strikers on July 9, Bridges appealed for support from teamsters; soon, more than 100 other unions in San Francisco joined in a general strike that lasted four days and involved more than 100,000 workers in San Francisco, Oakland, and elsewhere in Alameda County.¹⁸ Shortly after the general strike ended on July 19, longshoremen returned to work, ending the maritime strike after 83 days when both sides agreed to an arbitration panel appointed by President Franklin Roosevelt. In October, the National Longshoremen's Board announced its decision, providing "sweeping victory for the union, which won all its major demands: the first coast-wide contract in history, a hiring hall jointly operated but mainly union-controlled, with rotary dispatching and no discrimination, a six hour day, a thirty-hour week, a wage increase, and union-management grievance machinery."¹⁹

Post-Strike Union Factionalism

Although the maritime unions had banded together to fight the ship owners during the 1934 strike, relations among the unions soon began to deteriorate. During the late 1930s, a schism developed between the left-leaning unions—who wanted to build upon the success of the 1934 strike—and more conservative unions. In order to better represent the left-leaning unions, members of the American Federation of Labor (AFL) formed the Committee of Industrial Organizations in 1937. In 1938, the group left the AFL and formed the Congress of Industrial Organizations (CIO). The unions that joined the CIO included the Marine Engineers' Beneficial Association, the Marine Cooks and Stewards, the National Maritime Union (NMU), and the International Longshoremen's and Warehousemen's Union (ILWU). The AFL, threatened by the formation of the CIO, formed the Seafarers International Union of North America (SIUNA, more commonly known as the SIU) later that year as a competing organization to the NMU.

¹⁶ Corbett, Michael R., with Marjorie Dobkin and William Kostura, "National Register of Historic Places Nomination Form, Port of San Francisco Embarcadero Historic District." Prepared for the Port of San Francisco, September 30, 2002; revised in redline format, April 2004; p. 82; cited in the Rincon Hill Plan FEIR.

¹⁷ Corbett *et. al.*, p. 82.

¹⁸ Corbett *et. al.*, p. 86.

¹⁹ Corbett *et. al.*, p. 90.

Sailors' Union of the Pacific (SUP) leader Harry Lundeberg was named president of the SIU. This split over ideological differences would have far-reaching and dramatic effects.

World War II provided a reprieve from union infighting, but the post-war period saw an all-out battle for control. At first, the unions split along lines of affiliation—AFL versus CIO—but the struggle degenerated into a Communist witch hunt led by the SUP-SIU and the federal government. The bitterest fighting was between the SUP-SIU and the ILWU, and centered on two leaders: Harry Lundeberg of the SUP-SIU and Harry Bridges of the ILWU. The power struggle between the two men, and between right-wing and left-wing ideologies, engulfed many maritime unions, and destroyed at least one of them: the Marine Cooks and Stewards. This independent union, founded in San Francisco in 1901 but now defunct, was the original union representing marine cooks and stewards, but was obliterated during a hostile takeover by the SIU during the 1950s. The takeover was the ultimate result of a combination of jealousy over the Marine Cooks and Stewards' success in bargaining with employers and hostility aimed at Marine Cooks and Stewards leader Hugh Bryson, a close affiliate of Harry Bridges of the ILWU: both Bridges and Bryson were tarred by the red-baiting tactics of Senator Joseph McCarthy and others during the "Red Scare" over alleged communist infiltration of American institutions and the government in the 1950s.

Before the SIU takeover, however, the Marine Cooks and Stewards came under attack from its own parent organization, the CIO, which, in 1949 had voted to expel any union thought to be following the Communist Party. The CIO had moved politically to the right during the post-war period, and wanted to distance itself from the more radical unions. The Marine Cooks and Stewards was unquestionably a left-wing union like the ILWU. Both unions opposed the Marshall Plan (mainly for economic reasons) and were supporters of the Progressive party. But the Marine Cooks and Stewards was also a very successful union, and its members received higher wages than CIO-NMU union members doing similar jobs. Between 1935 and 1949, the Marine Cooks and Stewards increased the wages of its members fourfold. The union was one of the most democratic unions in the country and gave the rank-and-file members the power to approve strikes and settlements; it also had a high percentage of members participating in elections. In addition, the Marine Cooks and Stewards had likely the highest level of minority members out of all the maritime unions. The union worked to end discrimination on ships and was able to secure a job on an American liner for the first African-American stewardess. The Marine Cooks and Stewards officers earned less than most union officers, and they supported the CIO, even winning the National CIO Ward of Merit in 1944, 1945, and 1946. Based on this evidence, the Marine Cooks and Stewards was not ignoring the rights of their workers to blindly follow the Communist line. Nevertheless, in 1950, the Marine Cooks and Stewards and the ILWU were expelled from the CIO for alleged Communist affiliation.

Although the CIO-NMU failed in an attempt to take over the Marine Cooks and Stewards, the SIU-SUP ultimately succeeded, and elected to construct a new building for the union that was now known as the Marine Cooks and Stewards-AFL (MCS-AFL) at 350 Fremont Street, adjacent to the SUP building at First and Harrison Streets. The groundbreaking ceremony took place on December 15, 1955. Speakers at

the groundbreaking included Harry Lundeberg; John Hawkins, the Secretary-Treasurer of the Seafarers International Union of North America; Jack Goldberger, president of the San Francisco Labor Council; Cyril Magnin, the president of the Board of State Harbor Commissioners; and Lieutenant Governor Harold J. Powers. The MCS-AFL headquarters was dedicated on September 21, 1956, at a ceremony attended by Mayor George Christopher and Senator Thomas Kuchel.

However, the MCS-AFL was never a harmonious union, and was plagued by infighting almost from the beginning. The internal strife amongst unions ultimately weakened the unions' position with both ship owners and the public, who had suffered numerous strikes and ship cancellations for little reason. In 1955, the AFL and the CIO decided to merge to strengthen the position of the unions. As part of the merger deal, unions kept their independent status and retained their authority; no mergers between rival unions were required. Ultimately, in the late 1970s, the MCS-AFL was folded into the SIU and ceased to exist as a separate union.

The Marine Engineers' Beneficial Association (MEBA), meanwhile, was also an active participant in the 1934 strike. Founded in Cleveland in 1875, MEBA is the oldest maritime union in the United States. The San Francisco local was established by the 1880s and soon became one of the largest MEBA branches in the country. The 1934 strike was so successful for MEBA that a competing marine engineers' organization, the American Society of Marine Engineers, had to shut down because a large number of members left to join MEBA. By the beginning of 1935, the San Francisco branch of MEBA had more than doubled its membership, emerging as "the largest, most militant and perhaps most powerful association of marine engineers in the nation."²⁰

In 1938, MEBA joined the CIO after the AFL rejected it, having given another union the right to represent marine engineers. This decision to join the CIO would make MEBA, like the Marine Cooks and Stewards, an enemy of the SUP-SIU during the post-World War II union battles. In 1949, the SUP-SIU started a competing union, the Brotherhood of the Marine Engineers (BME), using the same allegations of communist influence. Although the Red Scare tactics were more difficult to use against the MEBA—generally known to be a right-leaning union—the BME began raiding the MEBA membership and using the BME to hamper MEBA's ability to strike and therefore make gains for their members. In fact, the BME appeared to be trying to create disputes as a means to steal jobs from the MEBA and expand the territory of the SUP-SIU. Maritime relations reached a low point in 1951 when the MEBA went on strike and asked the other maritime unions not to cross its picket lines, a common courtesy between unions. However, the AFL unions like the SUP, SIU, International Longshoremen's Association, and the Masters, Mates, and Pilots did not honor the request, and crossed MEBA's picket lines to get jobs for the BME members.

After watching the demise of the independent Marine Cooks and Stewards union, MEBA and other maritime unions began seeking mergers or no-raid pacts to avoid destructive infighting. In 1955, MEBA

²⁰ Howard Andrew Thor, "A History of the Marine Engineers' Beneficial Association" (M.A. thesis, University of California, 1954), p. 159; quoted in Page & Turnbull HRE (see footnote 3, p. 20).

and the AFL-affiliated Masters, Mates and Pilots. In 1955, MEBA and MMP filed a request with the newly merged AFL-CIO to merge their two unions—an event that probably represented, in part, an attempt to prevent the SUP-SIU from gaining control of more unions. In 1956, MEBA and the Brotherhood of the Marine Engineers signed a no-raid pact and began working on a merger; under the pact, the Brotherhood of the Marine Engineers became part of MEBA but remained self-governing. The next year, MEBA became the first former CIO maritime union to request membership in the merged AFL-CIO.

In 1962, MEBA constructed a new union hall on Rincon Hill, at 340 Fremont Street, moving from its previous location at Pier 3 on the Embarcadero. The merger of the Brotherhood of the Marine Engineers and the MEBA a few years earlier undoubtedly influenced the decision to relocate to the power center of the SUP-SIU. The dedication took place on November 30, 1962, and included a blessing by Monsignor Mathew A. Connolly, the pastor of the nearby Apostleship of the Sea.

Historic Significance

Page & Turnbull evaluated the two buildings on the project site in terms of eligibility for the California Register.

Criterion 1 (Event)

According to Page & Turnbull, the building at **350 Fremont Street** appears to be eligible for listing in the California Register under Criterion 1 (Event) for its association with the McCarthy-era attack on left-wing unions by both the U.S. government and right-wing unions determined to seize power on the waterfront. The construction of 350 Fremont Street adjacent to the Sailors' Union of the Pacific was intended to be a symbol of the power of the SUP-SIU and its victory over the supposedly Communist-run Marine Cooks and Stewards and ILWU. The bitter struggle between the SUP-SIU and the left-wing unions was a defining period in San Francisco labor and maritime history, and the continual, systematic persecution of radical labor elements by the federal government is significant on the national level. Planning Department staff concurred with the determination of eligibility for the California Register with respect to the building at 350 Fremont Street.²¹

The building at 350 Fremont Street is also potentially eligible for listing as part of a related group of maritime union structures that includes the 340 Fremont Street building and is described below.

According to Page & Turnbull, the **340 Fremont Street** building does not appear individually eligible for listing in the California Register under Criterion 1 (Event). Although the Marine Engineers' Beneficial Association has a long and storied history in San Francisco, the union hall at 340 Fremont Street does not appear to be associated with any significant events. However, 340 Fremont Street does appear potentially eligible for listing in the California Register under Criterion 1 as a contributing structure to a related group of maritime union structures on Rincon Hill. As noted above, the maritime development on Rincon

²¹ Mat Snyder, Preservation Technical Specialist, Memorandum (see footnote 4, p. 21).

Hill was planned and is a symbol of the SUP-SIU dominance over the maritime unions during the post-war period. For example, when 350 Fremont Street was constructed, the San Francisco Chronicle reported:

[The MCS-AFL building] will be the latest addition to the developing maritime center on Rincon Hill, just across the street from the proposed new Apostleship of the Sea...One corner of the new building will abut on the headquarters of Harry Lundeborg's Sailors' Union of the Pacific...The Sailors' Union has also planned a Sailors' Hotel and a maritime health center in the block bounded by Harrison, First, Fremont and Folsom Streets. In addition, the Marine Firemen's Union is known to be considering building a new headquarters structure on First street adjacent to the sailors' building.²²

In 1956, the Marine Firemen's union, which was affiliated with the SUP-SIU, also built a new headquarters on Rincon Hill, a block away at 240 Second Street. The group of related maritime union buildings on Rincon Hill that are likely eligible for the California Register under Criterion 1 (Event) would include, at a minimum, 340 and 350 Fremont Street, the Sailors' Union of the Pacific at First and Harrison Streets, and the Marine Firemen's union hall.

With respect to 340 Fremont Street and its eligibility for the California Register as part of a group of buildings, Planning Department staff found that the evidence in the Page & Turnbull report "was not sufficient for us make the same conclusion" as to the eligibility of the group of structures. Staff noted that most of the buildings in the potential group "were constructed relatively recently (in relation to most recognized historic resources) and after the period that received most discussion." Nevertheless, staff determined that, for purposes of a conservative evaluation, the building at 340 Fremont Street should be considered a historical resource, as part of a potential group of maritime union buildings on Rincon Hill.²³

Criterion 2 (Persons)

Neither building appears eligible for listing in the California Register under Criterion 2 (Persons), as neither is associated with persons important to local, regional, or national history.

Criterion 3 (Architecture)

Neither building appears eligible for listing in the California Register under Criterion 3 (Architecture). Although each building exhibits characteristics of the Modern style, neither is a distinctive or excellent example of its type, nor the work of a master.

Criterion 4 (Information Potential)

Criterion 4 typically is typically used in reference to archaeological resources, and is therefore not applicable.

²² "Sea Cooks Start New Building Today," San Francisco Chronicle, 15 December 1955; quoted in Page & Turnbull HRE (see footnote 3, p. 20).

²³ Mat Snyder, Preservation Technical Specialist, Memorandum (see footnote 4, p. 21).

Integrity

In addition to qualifying for listing under at least one of the California Register criteria, a property must be shown to have sufficient historic integrity in order to be eligible for listing. The concept of integrity is essential to identifying the important physical characteristics of historical resources and hence, in evaluating adverse changes to them. Integrity is defined as: “the authenticity of an historical resource’s physical identity evidenced by the survival of characteristics that existed during the resource’s period of significance.”²⁴ The process of determining integrity is similar for both the California Register and the National Register. The same seven variables or aspects that define integrity—location, design, setting, materials, workmanship, feeling, and association—are used to evaluate a resource’s eligibility for listing in the California Register and the National Register. According to the *National Register Bulletin #15: How to Apply the National Register Criteria for Evaluation*,²⁵ these seven characteristics are defined as follows:

- *Location* is the place where the historic property was constructed.
- *Design* is the combination of elements that create the form, plans, space, structure and style of the property.
- *Setting* addresses the physical environment of the historic property inclusive of the landscape and spatial relationships of the building(s).
- *Materials* refer to the physical elements that were combined or deposited during a particular period of time and in a particular pattern of configuration to form the historic property.
- *Workmanship* is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.
- *Feeling* is the property’s expression of the aesthetic or historic sense of a particular period of time.
- *Association* is the direct link between an important historic event or person and a historic property.

There is a critical distinction between the two registers, however, and that is the degree of integrity that a property can retain and still be considered eligible for listing. According to the California Office of Historic Preservation:

It is possible that historical resources may not retain sufficient integrity to meet the criteria for listing in the National Register, but they may still be eligible for listing in the California Register. A resource that has lost its historic character or appearance may still have sufficient integrity for the California Register if it maintains the potential to yield significant or historical information or specific data.²⁶

²⁴ California Code of Regulations, Title 14, Division 3, Chapter 11.5, Section 4852(c).

²⁵ National Park Service, 1990, revised through 2002. Reviewed February 15, 2006, on the internet at: <http://www.cr.nps.gov/nr/publications/bulletins/nrb15>.

²⁶ California Office of Historic Preservation, California Register and National Register: A Comparison (Technical Assistance Series #6).

Thus, the California Register may include properties that have suffered a greater degree of damage to their integrity than would be acceptable for listing in the National Register.

350 Fremont Street

According to Page & Turnbull, the 350 Fremont Street building exhibits a high degree of integrity. The building has a high degree of integrity of location and setting since it retains its original location and setting, aside from the recently completed residential tower to the rear of the lot. The exterior of the union hall retains its original design and most of its original material. The interior plan of 350 Fremont Street largely conforms to the original design, and many of the interior finishes appear to be original. The most significant changes to the interior include the remodeling of offices on the second floor and the apartment on the third floor, but these changes largely respect the original floor plan and retain the original circulation space. The building retains a moderately high degree of integrity of design and materials, and a high degree of integrity of workmanship, feeling, and association.

340 Fremont Street

According to Page & Turnbull, although 340 Fremont Street does not appear to be individually eligible for the California Register under Criteria 1, 2, or 3, the building does retain a very high degree of integrity. The building is in its original location and its setting is largely unchanged, with the exception of the new residential tower to the rear of the lot, resulting in a high level of integrity of location and association. The exterior of the building, including its decorative elements and fenestration, is almost entirely unchanged since it was constructed. The interior layout of 340 Fremont Street has been altered somewhat, most notably with the reduction in size of the dispatching hall/assembly area to construct a medical clinic, but the feeling of a union hall is intact along with many original materials. The building retains a moderately high degree of integrity of design, and a high degree of integrity of materials, workmanship, feeling, and association.

Other Resources in the Vicinity

The area immediately surrounding 340 and 350 Fremont Street is largely developed with a combination of mid-twentieth century buildings serving maritime uses—including the Sailors' Union of the Pacific Building at 450 Harrison Street and the Apostleship of the Sea at 399 Fremont Street—and early twentieth-century, low-rise light industrial buildings. Two more recent structures on the block include the massive Brutalist PG&E substation to the north, at 320 Fremont Street (adjacent to 340 Fremont Street), and the newly completed Metropolitan residential towers on First Street, to the rear of 340 and 350 Fremont Street.

The Rincon Hill Plan FEIR identified eight buildings in the Rincon Hill neighborhood as historic architectural resources under the Rincon Hill Plan, including the Sailors' Union of the Pacific, 450 Harrison Street; Klockar's Blacksmith Shop, 443-447 Folsom Street (these two buildings are on the project block); Hills Brothers Coffee Company, 2-30 Harrison Street; Joseph Magnin Warehouse, 29-35 Harrison Street; Hathaway Warehouse, 400 Spear Street; Coffin-Redington Building, 301 Folsom Street;

Gimbel Brothers Candy Factory, 501 Folsom Street; and Union Oil Co. Building, 425 First Street. Two of the buildings have been designated as city landmarks: Klockar's Blacksmith Shop (Landmark No. 149), and Hills Brothers Coffee Company (Landmark No. 157). In addition, two buildings across Fremont Street from the project site—the Edwin W. Tucker & Co. Building (347 Fremont) and 375 Fremont Street—have been identified as historical resources under CEQA. Other historic resources in the area include the San Francisco-Oakland Bay Bridge, which is listed on the National Register of Historic Places, and Rincon Hill, which is California Historical Landmark No. 84.

Determination of Historic Significance

As noted, the Page & Turnbull HRE identified the building at 350 Fremont Street as being individually eligible for the California Register under Criterion 1, while both 350 Fremont Street and 340 Fremont Street are identified as potentially eligible under Criterion 1 as a contributing structure to a related group of maritime union structures on Rincon Hill. Both buildings retain a high degree of integrity. In view of this analysis, both 340 Fremont Street and 350 Fremont Street are considered historical resources under CEQA. Planning Department staff concurred with this conclusion.²⁷

Impacts

Significance Criteria

CEQA Section 21084.1 states that “a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” A “historical resource” is defined as one that is listed in, or determined eligible for listing in, the California Register of Historical Resources, one that is identified as significant in a local register of historical resources, such as Article 10 and Article 11 of the San Francisco Planning Code, or one that is deemed significant due to its identification in an historical resources survey meeting the requirements of Public Resources Code Section 5024.1(g). A “substantial adverse change” is defined in Section 15064.5(b)(1) of the state CEQA Guidelines as “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.” The significance of a historical resource is “materially impaired,” according to Guidelines Section 15064(b)(2), when a project demolishes or materially alters, in an adverse manner, those physical characteristics of the resource that:

- convey its historic significance and that justify its inclusion in, or eligibility for inclusion in, the California Register of Historical Resources (including a determination by the lead agency that the resource is eligible for inclusion in the California Register);

²⁷ Mat Snyder, Preservation Technical Specialist, Memorandum (see footnote 4, p. 21).

- account for its inclusion in a local register of historical resources adopted by local agency ordinance or resolution (in accordance with Public Resources Code Sec. 5020.1(k)); or
- account for its identification in a historical resources survey that meets the requirement of Public Resources Code Sec. 5024.1(g), including, among other things, that “the resource is evaluated and determined by the [State Office of Historic Preservation] to have a significance rating of Category 1 to 5 on DPR Form 523,” unless the lead agency “establishes by a preponderance of evidence that the resource is not historically or culturally significant.”

Impacts of the Proposed Project

As noted in the setting, the two structures on the project site are considered historical resources for purposes of CEQA. The proposed project would include demolition of both buildings, which would be considered a significant impact that could not be fully mitigated. The Page & Turnbull HRE concluded, “340 and 350 Fremont Street have served as maritime unions halls since their construction in 1962 and 1956 respectively. Part of a post-World War II maritime development on Rincon Hill, the two union halls form an important part of San Francisco maritime and labor history. 340 Fremont Street, which is less than fifty years old, does not appear to be individually eligible for the California Register, but does appear to be a contributor to a group of related buildings in Rincon Hill. 350 Fremont Street appears to be eligible for listing in the California Register, and as such, its proposed demolition would result in a significant adverse effect under CEQA.” The HRE also states, “The proposed project would result in a cumulative impact under CEQA, because it would remove two union halls that are potentially part of a significant group of union-related buildings on Rincon Hill.” Although these union-related buildings have not been formally determined eligible for listing in the California Register, nor have they been formally identified as a historic district, the fact that the project would result in removal of two of the four existing maritime union headquarters would affect the existing grouping of maritime union halls on Rincon Hill in a substantial and adverse manner, because after implementation of the proposed project, half of this small grouping would be gone. Therefore, in addition to demolition of the building at 350 Fremont Street (considered individually eligible for the California Register) and demolition of the building at 340 Fremont Street (considered eligible for the California Register as part of a group), the project would result in a cumulative significant impact on historical resources by virtue of its adverse impact on the existing group of maritime union buildings.

Although mitigation could reduce the severity of both the project-specific and cumulative impacts (see Chapter IV, p. 67, mitigation could not reduce the impacts to a less-than-significant level. Therefore, the project would result in significant unavoidable impacts on historical resources.

B. Other Issues Analyzed in the Rincon Hill Plan EIR

This is a Tiered EIR, in accordance with Section 15152 and 15168 of the CEQA Guidelines. This EIR is tiered from the Final EIR for the Rincon Hill Plan (the “Plan EIR”). This section analyzes other environmental issues that were analyzed in the Plan FEIR to determine whether the proposed 340-350 Fremont Street project would result in any new or substantially more severe effects than were identified in the Plan EIR. The conclusions below confirm that the Plan EIR fully analyzed and adequately addressed other potential impacts of the proposed 340-350 Fremont Street project, and that the 340-350 Fremont Street project would not have any additional effects that were not examined in the Plan EIR, nor would any identified impacts be substantially more severe, nor has any new or additional information come to light that would alter the conclusions of the Final EIR for the Rincon Hill Plan.

1. Land Use, Plans, and Policies

Land Use

As described in the FEIR, a number of larger-scale residential developments have been developed on Rincon Hill in recent years, mostly south and east of the project site but also including the two towers of the Metropolitan residential development at 333 First Street. Also in recent years, several former industrial buildings in the neighborhood have been rehabilitated to house residential or live/work uses, including the Coffin-Redington Building (Embarcadero Lofts) at 300 Beale Street, and 346 First Street, a five-story former light industrial building that now contains 28 live/work units. Several other residential projects—both high-rise and mid-rise—are proposed on the east side of Fremont Street, across from the project site. A large residential project (known as One Rincon Hill) that will have two towers 450 feet and 550 feet tall is currently under development south of the site, on the south side of Harrison Street between First and Fremont Streets. Other land uses in the project area include smaller-scale residential development in the Guy Place-Lansing Street loop to the west; a service station at the corner of First and Harrison Streets; several small office uses, both in remaining small structures and occupying portions of larger buildings; the existing maritime unions on the project site; an large U.S. Postal Service facility on Main Street. Retail uses are limited to restaurants and convenience uses on the edges of Rincon Hill, such as on Second Street and near the Embarcadero, although the Rincon Hill Plan anticipates the development of new neighborhood-serving retail uses on Folsom Street.

The approved Rincon Hill Plan calls for increased residential densities in an area in which residential land use is quickly expanding. The increased number of residential units would be expected to generate demand for neighborhood-serving commercial uses either within or in close proximity to the Plan area. The proposed 340-350 Fremont Street project, which was included in the analysis assumptions for the Rincon Hill Plan EIR in substantially similar form to that currently proposed, would represent a relatively small component of this growth in high-density residential projects (about 15 percent of the total growth in Rincon Hill dwelling units). The project thus would play some relatively limited role in the continued development of Rincon Hill as a primarily residential neighborhood, consistent with the trend since the adoption of the initial Rincon Hill Area Plan in 1985 and the Rincon Hill DTR District in 2005. The Plan

EIR found that the Rincon Hill Plan would neither disrupt or divide the physical arrangement of an established community, nor have a substantial adverse impact on the existing character of the vicinity, and therefore land use impacts would not be significant. Because the proposed 340-350 Fremont Street project was analyzed as part of the Plan EIR, and because the proposed project would be a small piece of the larger Plan-area development, the project would not result in new or substantially more severe effects on land use than were identified in the Final EIR for the Rincon Hill Plan.

Plans and Policies

General Plan

The San Francisco General Plan, which provides general policies and objectives to guide land use decisions, contains some policies that relate to physical environmental issues. The compatibility of the project with General Plan policies that do not relate to physical environmental issues will be considered by decision-makers as part of their decision whether to approve or disapprove the proposed project and any potential conflicts identified as part of that process would not alter the physical environmental effects of the proposed project.

Among the General Plan objectives and policies relevant to the proposed project are the following:

Rincon Hill Plan

1. Land Use

- Objective 1.1: Encourage the development of a unique, dynamic, mixed-use residential neighborhood close to downtown which will contribute significantly to the City's housing supply.
- Objective 1.2: Maximize housing in Rincon Hill to capitalize on Rincon Hill's central location adjacent to downtown employment and transit service, while still retaining the district's livability.
- Objective 1.5: Add life and activity to the district's public spaces by providing active uses on street-facing ground floors.

2. Housing

- Objective 2.1: Provide quality housing in a pleasant environment that has adequate access to light, air, open space, and neighborhood amenities, and that is buffered from excessive noise.
- Objective 2.2: Encourage new housing production that meets a variety of housing needs, especially affordable housing.
- Objective 2.3: Encourage new housing production of an adequate size and configuration to serve families.
- Policy 2.1: Require all new developments of 10 or more units in the Rincon Hill district to meet the city's affordable housing requirement of at least 12 percent on-site or 17 percent off-site, regardless of whether a Conditional Use permit is required.

- Policy 2.4: Require 40% of all units in new development to be two or more bedroom units.
- Policy 2.5: Establish a target that 10% of all units in new development will be three or more bedroom units.

3. Urban Design

- Objective 3.1: Achieve an aesthetically pleasing residential community.
- Objective 3.2: Develop a distinctive skyline form for Rincon Hill that compliments the larger form of downtown, the natural landform, and the waterfront and the Bay, and responds to existing policies in the Urban Design Element.
- Objective 3.3: Respect the natural topography of the Hill and follow the policies already established in the Urban Design Element which restrict height near the water and allow increased height on the top of hills.
- Objective 3.4: Preserve views of the Bay and the Bay Bridge from within the district and through the district from distant location, which are among the most impressive in the region.
- Objective 3.5: Maintain view corridors through the area by means of height and bulk controls which insure carefully spaced slender towers rather than bulky, massive buildings.
- Objective 3.6: Ensure adequate light and air to the district and minimize wind and shadow on public streets and open spaces.
- Objective 3.8: Encourage a human scale streetscape with activities and design features at pedestrian eye level, and an engaging physical transition between private development and public realm.
- Objective 3.9: Minimize the visual impacts of residential parking, loading, utilities and services on the neighborhood.
- Objective 3.10: Relate the height and bulk of podium buildings to the width of the street, to define a consistent streetwall and ensure adequate sun and sky access to streets and alleys.
- Policy 3.1: Cluster the highest towers near the top of the hill with heights stepping down as elevation decreases. The overall form should identify Rincon Hill as a distinctive geographic feature on the city skyline, distinct from the Downtown high-rise office core.
- Policy 3.2: Vary tower heights to avoid the visual benching created by a number of buildings whose tops are at the same elevation.
- Policy 3.3: Minimize tower bulk to ... to ensure a feasible tower floorplate, to create elegant, slender towers and to preserve views and exposure to light and air.
- Policy 3.4: Require towers to be spaced no less than 115 feet apart ... to minimize shadowing of streets and open space, and to reserve at least as much sky plane as tower bulk.

- Policy 3.9: Minimize shadows on streets, open spaces and residential units, and the creation of surface winds near the base of buildings.
- Policy 3.11: Require building setbacks at upper stories for podiums above 65 feet on Spear, Main, Beale, Fremont, and First Streets ... to preserve an appropriate scale and sun access to streets.
- Policy 3.14: Require street-facing ground floor residential units articulated at intervals of not more than 25 feet on Spear, Main, Beale, Fremont, and First Streets and Guy Place, except at tower lobbies or where parking access and utilities are necessary.
- Policy 3.17: Require that all parking must be located below street grade. For sloping sites with a grade change of greater than ten feet, require no less than 50% of the parking must be below grade, and any portions not below grade must be lined by active uses.

4. Recreation and Open Space

- Objective 4.3: Link the area via pedestrian improvements to other public open spaces such as the waterfront promenade at the foot of the hill and planned open spaces in the Transbay district.
- Objective 4.6: Create an inviting and pleasant mid-block pedestrian corridor to the waterfront.

5. Streets and Transportation

- Objective 5.1: To create safe and pleasant pedestrian networks within the Rincon Hill Area, to Downtown, and to the Bay.
- Policy 5.7: Ensure the creation of a safe, inviting, and pleasant publicly accessible pedestrian/open space mid-block pathway through Assessor's Blocks 3744-3748 from First Street to the Embarcadero by requiring new developments along the alignment of the proposed path to provide a publicly accessible easement through their properties.

6. Preservation

- Objective 6.1: Preserve and adaptively reuse those buildings in the area which have particular architectural or historical merit or which provide a scale and character of development consistent with the plan.

Housing Element

- Objective 1: To provide new housing, especially permanently affordable housing, in appropriate locations which meets identified housing needs and takes into account the demand for affordable housing created by employment demand.
- Policy 1.1: Encourage higher residential density in areas adjacent to downtown, in underutilized commercial and industrial areas proposed for conversion to housing, and in neighborhood commercial districts where higher density will not have harmful effects, especially if the higher density provides a significant number of units that are affordable to lower income households. Set allowable

densities in established residential areas at levels which will promote compatibility with prevailing neighborhood scale and character where there is neighborhoods support.

- Policy 1.4: Identify opportunities for housing and mixed-use districts near downtown and former industrial portions of the City.
- Objective 4: Support affordable housing production by increasing site availability and capacity.
- Policy 4.2: Include affordable units in larger housing projects.
- Policy 6.5: Monitor and enforce the affordability of units provided as a condition of approval of housing projects.
- Objective 8: Ensure equal access to housing opportunities.
- Policy 8.1: Encourage sufficient and suitable rental housing opportunities and emphasize permanently affordable rental units wherever possible.
- Policy 8.8: Promote adaptability and maximum accessibility of residential dwellings for disabled and elderly occupants.
- Policy 8.9: Encourage the provision of new home ownership opportunities through new construction so that increased owner occupancy does not diminish the supply of rental housing.
- Objective 11: In increasing the supply of housing, pursue place making and neighborhood building principles and practices to maintain San Francisco's desirable urban fabric and enhance livability in all neighborhoods.
- Policy 11.1: Use new housing development as a means to enhance neighborhood vitality and diversity.
- Policy 11.2: Ensure housing is provided with adequate public improvements, services, and amenities.
- Policy 11.5: Promote construction of well designed housing that conserves existing neighborhood character.
- Policy 11.6: Employ flexible land use controls in residential areas that can regulate inappropriately sized development in new neighborhoods, in downtown areas and in other areas through a Better Neighborhoods type planning process while maximizing the opportunity for housing near transit.
- Policy 11.8: Strongly encourage housing project sponsors to take full advantage of allowable building densities in their housing developments while remaining consistent with neighborhood character.
- Policy 11.9: Set allowable densities and parking standards in residential areas at levels that promote the City's overall housing objectives while respecting neighborhood scale and character.

Urban Design Element

- Objective 1: Emphasis of the characteristic pattern which gives to the city and its neighborhoods an image, a sense of purpose, and a means of orientation.

- Policy 1.1: Recognize and protect major views in the city, with particular attention to those of open space and water.
- Policy 1.3: Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.
- Policy 2.4: Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.
- Policy 2.6: Respect the character of older development nearby in the design of new buildings.
- Policy 2.7: Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character.
- Objective 3: Moderation of major new development to complement the city pattern, the resources to be conserved, and the neighborhood environment.
- Policy 3.1: Promote harmony in the visual relationships and transitions between new and older buildings.
- Policy 3.2: Avoid extreme contrasts in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance.
- Policy 3.3: Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.
- Policy 3.4: Promote building forms that will respect and improve the integrity of open spaces and other public areas.
- Policy 3.5: Relate the height of buildings to important attributes of the city pattern and to the height and character of existing development.
- Policy 3.6: Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.
- Policy 3.7: Recognize the special urban design problems posed in development of large properties.
- Policy 3.8: Discourage accumulation and development of large properties, unless such development is carefully designed with respect to its impact upon the surrounding area and upon the city.
- Policy 3.9: Encourage a continuing awareness of the long-term effects of growth upon the physical form of the city.
- Objective 4: Improvement of the neighborhood environment to increase personal safety, comfort, pride and opportunity.
- Policy 4.1: Protect residential areas from the noise, pollution and physical danger of excessive traffic.
- Policy 4.2: Provide buffering for residential properties when heavy traffic cannot be avoided.
- Policy 4.10: Encourage or require the provision of recreation space in private development.
- Policy 4.13: Improve pedestrian areas by providing human scale and interest.

Transportation Element

- Objective 1: Meet the needs of all residents and visitors for safe, convenient and inexpensive travel within San Francisco and between the city and other parts of the region while maintaining the high quality living environment of the Bay Area.
- Policy 1.2: Ensure the safety and comfort of pedestrians throughout the city.
- Policy 1.3: Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.
- Policy 2.5: Provide incentives for the use of transit, carpools, vanpools, walking and bicycling and reduce the need for new or expanded automobile and automobile parking facilities.
- Objective 3: Maintain and enhance San Francisco's position as a regional destination without inducing a greater volume of through automobile traffic.
- Policy 11.3: Encourage development that efficiently coordinates land use with transit service, requiring that developers address transit concerns as well as mitigate traffic problems.
- Policy 34.1: Regulate off-street parking in new housing so as to guarantee needed spaces without requiring excesses and to encourage low auto ownership in neighborhoods that are well served by transit and are convenient to neighborhood shopping.
- Policy 34.3: Permit minimal or reduced off-street parking supply for new buildings in residential and commercial areas adjacent to transit centers and along transit preferential streets.

On balance, the project would generally be consistent with the above objectives and policies. A conflict with a General Plan policy does not, in itself, indicate a significant effect on the environment. To the extent that physical impacts may result from such conflicts, such physical impacts are analyzed in this EIR. The General Plan contains many policies, which may address different goals. The Planning Commission, in deciding whether to approve the project, must decide whether, on balance, the project is consistent with the General Plan.

Other Plans

Environmental plans and policies, like the Bay Area Air Quality Management District's *Clean Air Plan*, directly address physical environmental issues and/or contain standards or targets that must be met in order to preserve or improve specific components of the City's physical environment. The proposed project would not obviously or substantially conflict with any such adopted environmental plan or policy.

Zoning

As described under Approvals, p. 8, the project site is located within the Rincon Hill Downtown Residential Mixed Use (RH DTR) District. The project would be consistent with the RH DTR Use District with respect to land use, open space, parking, and other controls. The RH DTR district controls do not limit floor-area ratio. The project site would be consistent with the height and bulk requirements of

the 400-R height and bulk district (400-foot height limit, limitations on bulk above 85 feet in height) in which the project site is located, including maximum floor plate size and plan (horizontal) dimensions. The project would also comply with the RH DTR district's tower separation requirement.

2. Visual Quality

The Final EIR did not identify any significant visual quality impacts. The structure, massing (including height), and location of the proposed 340-350 Fremont Street project were included in the Plan EIR analysis, including the visual simulations.²⁸ This project-specific visual analysis, including visual simulations of the proposed 340-350 Fremont Street building, is provided for information, and does not alter the conclusions of the Final EIR for the Rincon Hill Plan.

As with other areas within Rincon Hill, the project vicinity is characterized by existing buildings and by the local transportation network. Buildings on both sides of Fremont Street in the project vicinity are generally low-rise, early- to mid-20th Century buildings. Adjacent to the project site, to the north, is the 12-story PG&E substation and Grote Place, an alley accessible from Folsom Street. Surface parking abuts the project site to the south and separates the site from a two-story commercial building on the northwest corner of Harrison and Fremont Streets. To the west of the project site, fronting First Street, are the visually prominent Metropolitan residential towers, rising up to 27 stories. Also fronting First Street, on the corner of Harrison Street, is the low-rise yet imposing four- to six-story Sailor's Union of the Pacific building. To the east, opposite the project site along Fremont Street, buildings are generally two- to five-stories (two residential towers and a mid-rise residential building have been approved but not yet built). The project vicinity is also visually defined by topographic variation and the Bay Bridge/Interstate 80 infrastructure, about one or two blocks to the south of the project site.

The project would alter the visual quality of the project site in terms of height, mass and architectural style. The project's 40-story residential tower would be tall and slender and would have a maximum plan dimension of about 145 feet (diagonal). The tower would be set back from the northern edge of the eight-story podium by about 73 feet and set back from the western edge by between 53 and 80 feet. The project frontage on Fremont Street would include a parking garage entrance, loading access and a residential lobby.

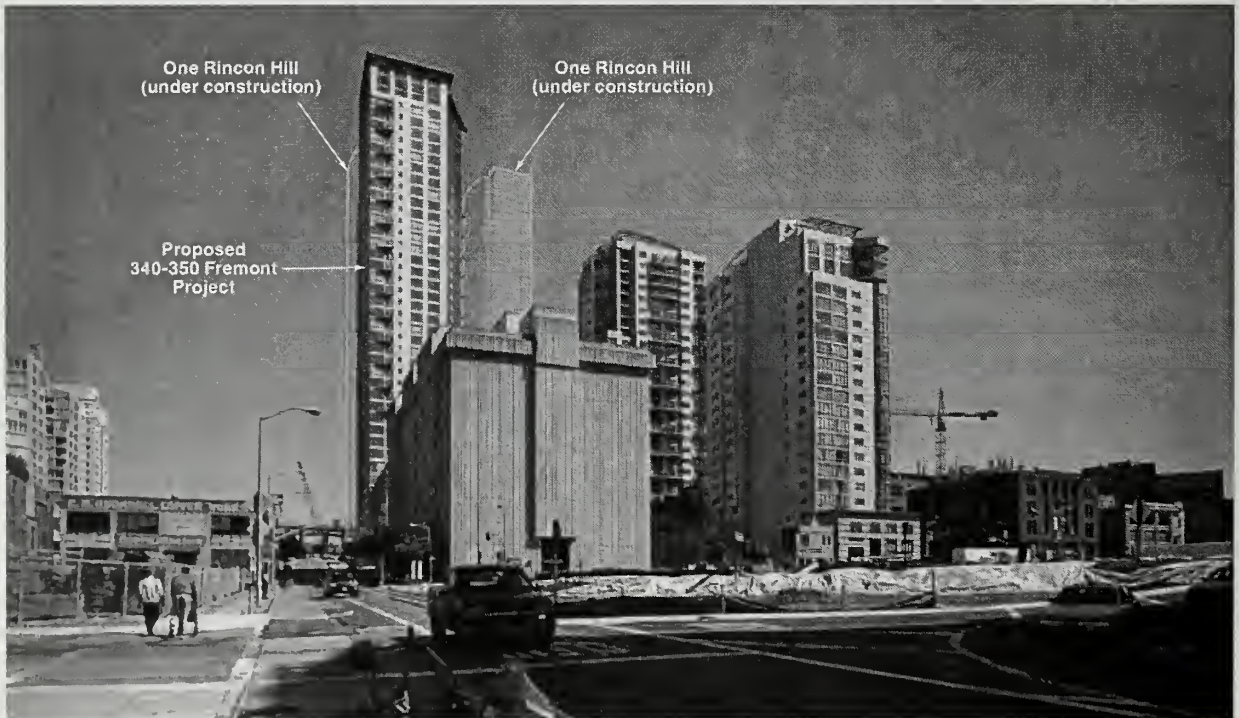
The development would comprise a variety of materials including pre-cast concrete panels, an aluminum and glass curtain wall and stone accents at the building base. The tower would also include balconies along the western, northern and southern faces.

Figures 12 through 17, pp. 45 through 50, present project-specific visual simulations of the proposed 340-350 Fremont Street building.

²⁸ The visual analysis in the Rincon Hill Plan Final EIR included, in the 82.5-Foot Tower Separation Option, two towers on the west side of Fremont Street, one slightly north of and one slightly south of the proposed 340-350 Fremont Street project's tower as currently proposed. Therefore, the analysis in the Final EIR physically "brackets" the proposed project's visual impacts.



Existing Conditions



Proposed Project

SOURCE: Square One Productions

Case No. 2004.0552E: 340-350 Fremont Street Project . 204385

Figure 12

Visual Simulation:
View Looking South on Fremont Street



Existing Conditions



Proposed Project

SOURCE: Square One Productions

Case No. 2004.0552E: 340-350 Fremont Street Project . 204385

Figure 13

Visual Simulation:
View Looking North on Fremont Street



Existing Conditions



Proposed Project

SOURCE: Square One Productions

Case No. 2004.0552E: 340-350 Fremont Street Project . 204385

Figure 14

Visual Simulation:
View Looking North on Harrison Street



Existing Conditions



Proposed Project

Case No. 2004.0552E: 340-350 Fremont Street Project . 204385

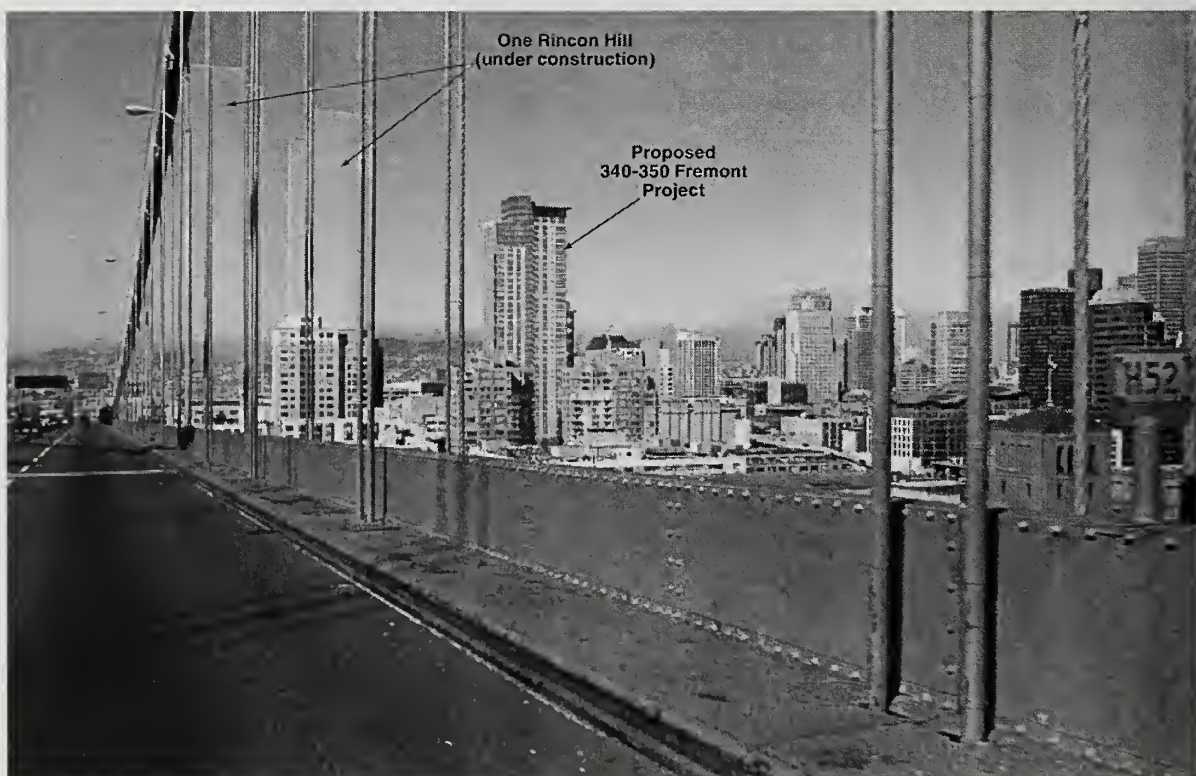
SOURCE: Square One Productions

Figure 15

Visual Simulation:
View Looking East on the Bay Bridge Ramp



Existing Conditions



Proposed Project

SOURCE: Square One Productions

Case No. 2004.0552E: 340-350 Fremont Street Project . 204385

Figure 16

Visual Simulation:
View Looking West on the Bay Bridge



Existing Conditions



SOURCE: Peter Bosselmann, UC Berkeley Environmental Simulation Laboratory and Cheryl Parker, Urban Explorer

Case No. 2004.0552E: 340-350 Fremont Street Project . 204385

Figure 17

Photo Simulation:
View from Randall Museum

When viewed to the south from near the intersection of Fremont and Folsom Streets (Figure 12), the project's northern façade and a portion of the western façade would be visible. Though the dominant concrete form of the PG&E substation would block the majority of the project's podium and townhouses, the tower's northern façade and curved portion of the western façade would emerge as a new prominent form in this view. Though taller than other existing towers in this view, including the Metropolitan towers, the project would be consistent with existing architectural treatment, including glass and concrete walls articulated with balconies. From this location, the project would not obstruct any existing vistas, although it would reduce some sky exposure. From this perspective, on the east side of Fremont Street, the project would appear adjacent to the south tower of the approved One Rincon Hill project (now under construction), leaving no view corridor between the towers. The project would nearly obstruct views of the north tower of the One Rincon Hill project.

In views to the north, toward downtown, the proposed residential tower would appear to bring the visual elements of downtown closer to Rincon Hill. Looking north along Fremont Street from south of Harrison Street, the project's southern and eastern façades would be visible (see Figure 13, p. 46). From this vantage point the project would block most of the eastern façade of the Metropolitan towers and the southern façade of the PG&E substation, and would reduce some sky exposure. The two-story building on the corner of Harrison and Fremont Streets would partially obscure the project podium. The remainder of the project podium would be visible and would soften the transition in scale from the surrounding low-rise structures.

The project would visually dominate views looking north from Harrison Street (see Figure 14, p. 47). From this pedestrian perspective, the project would reduce sky exposure and obstruct some long-range views of high-rise office buildings to the north. The portions of the project tower's southern and western façades that extend to the street level would be visible between the steps of the Sailor's Union of the Pacific building and the adjacent two-story building at Harrison and Fremont Streets.

In views from the elevated Bay Bridge ramps to the east and the west, the project would be a prominent new visual feature creating an altered visual experience for motorists traveling in or out of San Francisco on the Bay Bridge. From the west looking east, (see Figure 15, p. 48), the project, along with the One Rincon Hill project, currently under construction, would appear much taller than existing buildings and would become new visual landmarks. From this vantage point, the project would reduce sky exposure, but would not obstruct views of any existing buildings or landmarks. From the east looking west on the Bay Bridge (see Figure 16, p. 49), the project would again appear much taller than surrounding structures. In this view, the project, along with the approved One Rincon Hill project, would partially block views of the City's hills to the west and reduce sky exposure. Together, these three towers would alter the visual experience of Bay Bridge commuters.

Though tower heights would resemble the downtown high-rise urban form, the development would not appear as dense as areas north of Market Street. From both the eastern and the western Bay Bridge approaches, the required tower separation of the recently approved Rincon Hill Plan would preserve

visual distinction between building masses and allow for view corridors between the proposed project tower and the One Rincon Hill project from most viewpoints. Though the project would obstruct views of the Metropolitan towers in views from the east, the view corridor between the project and the Metropolitan tower would be preserved in the view from the west.

As noted in the Rincon Hill Plan FEIR, sweeping panoramic views would continue to be available from elevated vantage points in the hills to the west, such as from the Randall Museum, with development of the 340-350 Fremont Street project and other potential development permitted under the Rincon Hill Plan. Figure 17, p. 50, shows the view and a visual simulation adapted from the Plan EIR, depicting the proposed project, along with the under-construction One Rincon Hill project and another project proposed at 45 Lansing Street, one block southwest of the project site. The cumulative effect of the project with possible future development would alter views of the project vicinity from this location. Some amount of the East Bay Hills would be obstructed but a portion of the Bay Bridge tower would remain visible. With development of the proposed project and other approved and proposed projects nearby, the towers in the project vicinity and Rincon Hill Plan Area would appear less dense in contrast to the downtown cluster and would allow for visual permeability to the East Bay hills.²⁹

The Final EIR stated, “Given what could be described as a dramatic change in density and, especially, height, despite the relative lack of interference with existing view corridors along streets in the Plan area, it is reasonable to conclude that, among some observers, changes in the overall urban form of the Rincon Hill Plan area due to development pursuant to the Draft Plan would appear to result in a substantial, perhaps negative, change in the appearance of the City’s skyline.” However, the Final EIR concluded that, because the Rincon Hill Plan would, in general, respond favorably to the objectives, policies, and principles in the General Plan Urban Design Element, which are designed to foster an attractive urban form, and because the Plan established stricter standards for tower bulk, accentuating the topography of Rincon Hill, and maximizing the retention of public views through the district, the Plan would not result in a significant adverse effect with regard to visual quality. Inasmuch as the Plan EIR anticipated development of the 340-350 Fremont Street site at essentially the same height and bulk as currently proposed, the project would not result in new or substantially more adverse effects on visual quality than were identified in the Final EIR for the Rincon Hill Plan.

3. Transportation

The proposed 340-350 Fremont Street project is generally consistent with the level of development analyzed for the site in the Rincon Hill Plan FEIR.³⁰ The Plan EIR studied 17 intersections for existing, 2020 baseline, 2020 plus project and cumulative (2020) conditions. The FEIR found that, in 2020 with the addition of Rincon Hill Plan developments and cumulative traffic, 10 of the 17 intersections would

²⁹ A recently approved project at 375 Fremont Street, at 250 feet in height, or 63 percent of the project height, would barely be visible from this viewpoint.

³⁰ Although the Plan EIR assumed a development about 12 percent smaller than currently proposed, the Plan EIR transportation analysis was undertaken for the Plan area as a whole, and the current proposal for 340-350 Fremont would not substantially alter the area-wide transportation conclusions.

operate at level of service (LOS) F, two intersections would operate at LOS E, and the remaining five intersections would operate at LOS D or better (considered acceptable), and that, in general, the poor operating conditions would occur along the primary access routes to the Bay Bridge, including Second, First and Harrison Streets. Of the 12 intersections that would operate at unacceptable LOS (E or worse), Rincon Hill Plan developments and cumulative traffic would cause a significant impact at seven intersections. Because intersection operations on certain streets are dictated largely by the operations of downstream intersections and the Bay Bridge on-ramps, localized improvements at these adversely affected intersections would not necessarily improve overall traffic conditions. These intersections include First/Folsom, First/Market, Fremont/Harrison, and Embarcadero/Folsom; impacts at those intersections were, therefore, identified as significant and unmitigable in the FEIR, and that conclusion remains valid.

A project-specific transportation study³¹ analyzed existing, existing plus project and cumulative (2020) conditions at six intersections, all of which were analyzed in the FEIR—Folsom/First, Folsom/Fremont, Folsom/Beale, Harrison/First, Harrison/Fremont, and Harrison/The Embarcadero. The project-specific study did not identify any significant impacts not identified in the Plan EIR, and the proposed project would not result in any project-specific adverse impacts at any of the study intersections.

Two of the project-specific study intersections (Folsom/First Streets and Harrison/First Streets) currently operate at LOS F, and two others would operate at LOS E (Folsom/Beale Streets) or LOS F (Harrison/Fremont Streets) in 2020 with the addition of cumulative traffic. However, the proposed project's traffic contributions to the adverse cumulative conditions at the four intersections that would operate at LOS E or LOS F would not be considered significant. This was determined based on an examination of the traffic volumes for the traffic movements that determine overall LOS at these intersections. For the traffic movements that determine overall LOS at the intersections of Folsom/First, Folsom/Beale, and Harrison/Fremont, the proposed project would add traffic to movements that would continue to operate satisfactorily. At the intersection of Harrison/First Streets, however, the proposed project would add traffic to some critical movements that would operate poorly under 2020 cumulative conditions. In particular, the proposed project would add 10 p.m. peak-hour vehicle trips to the eastbound through movement, and five vehicle trips to the westbound left-turn movement. Nonetheless, the project contributions to these movements would be very small, and would not materially affect overall LOS performance. Therefore, project traffic would not represent a considerable contribution to adverse cumulative conditions at any of the four intersections, and the project would thus not be considered to contribute significantly to 2020 cumulative impacts.

The project would generate only a small percentage of the transit, pedestrian, and bicycle trips that the FEIR attributed to the Rincon Hill Plan, and the project contribution to these volumes, as a share of the total that would be generated by development under the Plan, would generally be proportional with the project's share of new residential units in the Plan area. Because these increases were not considered

³¹ LCW Consulting, 340-350 Fremont Street Transportation Study (Case No. 2004.05521), January 16, 2006. Available for review, by appointment, at the Planning Department, 1660 Mission Street, San Francisco, in Case No. 2004.0552E.

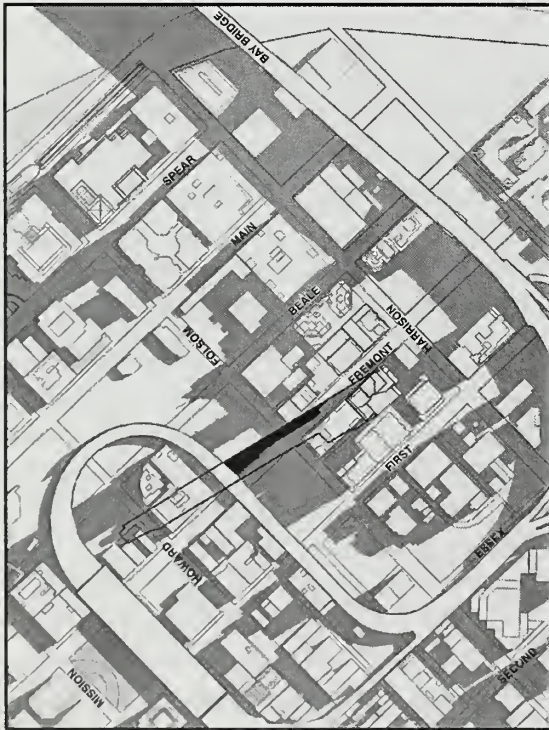
significant, the project's impacts would similarly be less than significant. Likewise, parking impacts were identified as less than significant in the Plan EIR, and such is the case for the proposed project.

The proposed project would generate a demand for one loading space during both the average and peak hour of loading activities. The demand would be accommodated by the on-site loading area, with two spaces, each measuring 35 feet in length and 12 feet in width and with a vertical clearance of 14 feet. The loading bay would have access from Fremont Street. Because the loading space would meet estimated demand, loading impacts would not be significant.

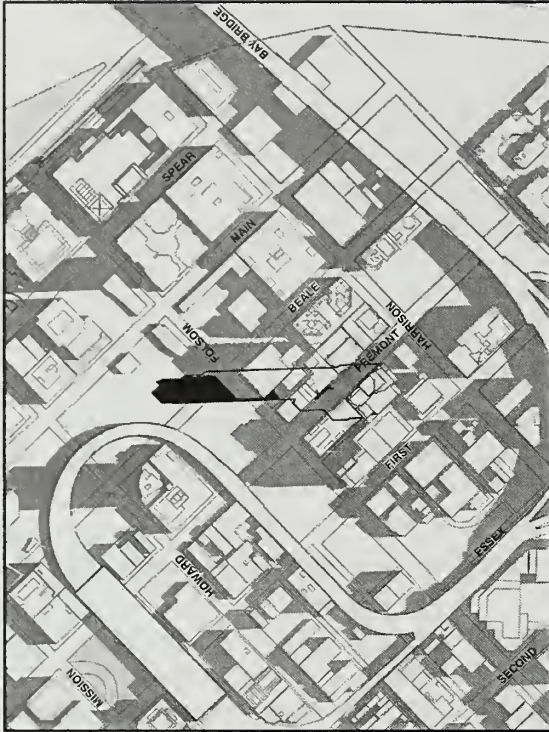
In summary, the project-specific transportation study confirms that the Plan EIR adequately addressed the transportation impacts of the proposed 340-350 Fremont Street project, that the 340-350 Fremont Street project would not have any new or substantially more severe effects than those examined in the Plan EIR, and that no new or additional information has come to light that would alter the conclusions of the Final EIR for the Rincon Hill Plan.

4. Shadow

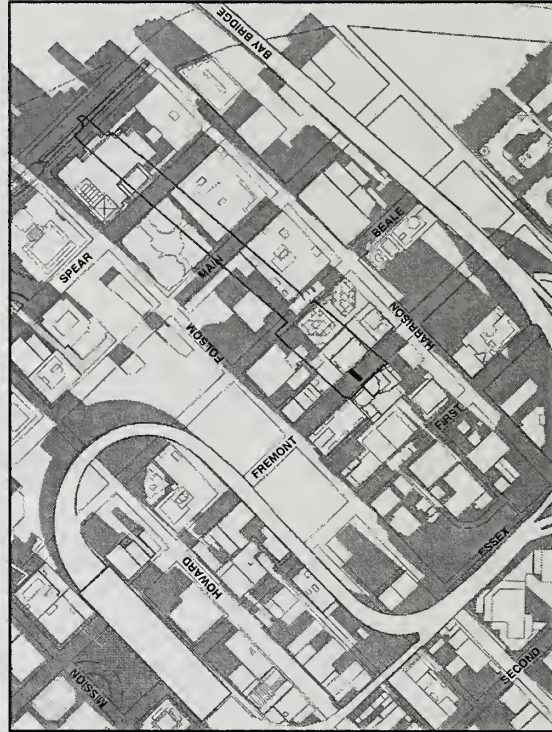
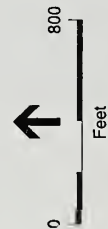
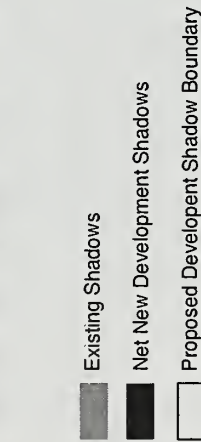
Planning Code Section 295 generally prohibits new buildings that would cause new shadow on open space that is under the jurisdiction of the San Francisco Recreation and Park Commission between one hour after sunrise and one hour before sunset, at any time of the year, unless that shadow would not result in a significant adverse effect on the use of the open space. The Final EIR found that, while Plan area development would not shade any open spaces subject to Section 295, there are several publicly and privately owned open spaces that are publicly accessible and that would be subject to additional shading at certain times of the day and year. For example, shadow from towers constructed pursuant to the Plan could reach Yerba Buena Gardens (although only in the very early morning, when the gardens are likely shaded by existing buildings, including the W Hotel at Third and Howard Streets and an existing office building across Howard Street). Likewise, shadow from Plan area towers would reach Rincon Park, on The Embarcadero between Folsom and Harrison (but only in the late afternoon, when Rincon Park is already largely shaded by existing buildings, including the Gap headquarters and Hills Plaza, and would be further shaded by already approved buildings within the Plan area at 300 Spear Street and 201 Folsom Street). Plan area towers would also add new shadow to a proposed new public open space in the Plan area, at Fremont and Harrison Streets. However, because of the limited shading of existing open spaces and because the planned open space does not currently exist and would receive substantial morning sun even with Plan area development, the Plan EIR found shadow effects to be less than significant. This project-specific shadow analysis, including project-specific shadow diagrams in Figures 18 through 21, pp. 55 through 58, is provided for information, but does not alter the conclusions of the Plan EIR.



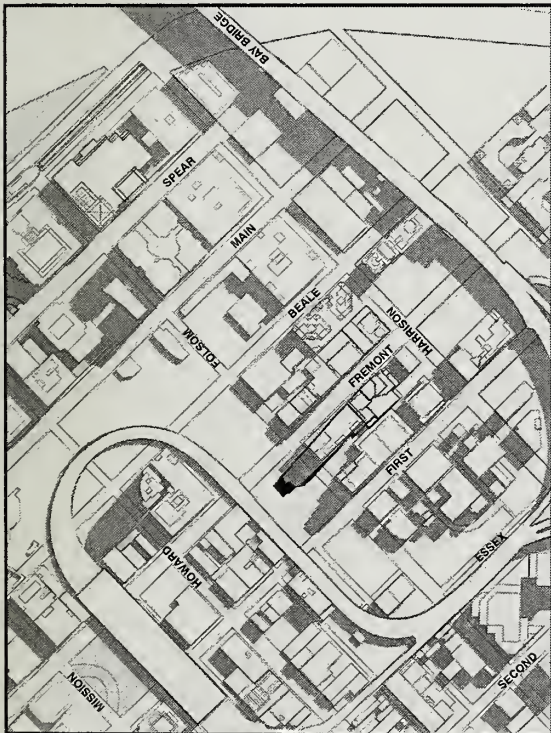
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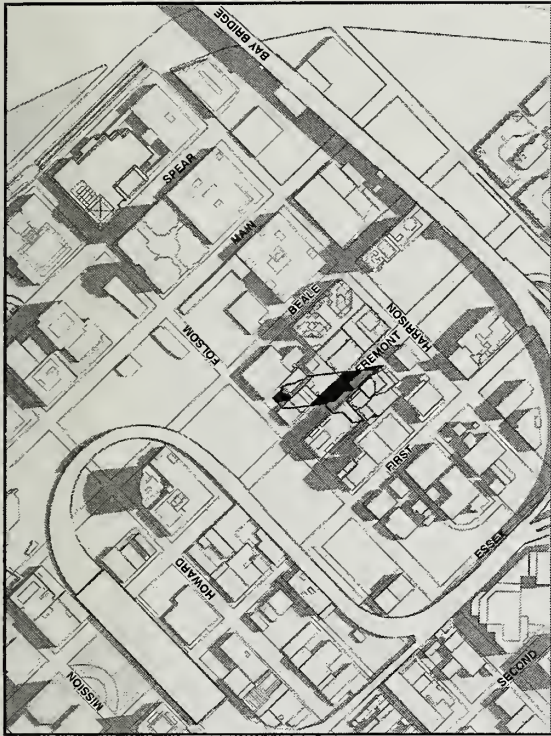
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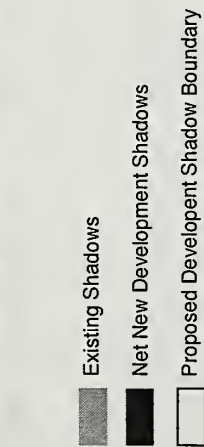
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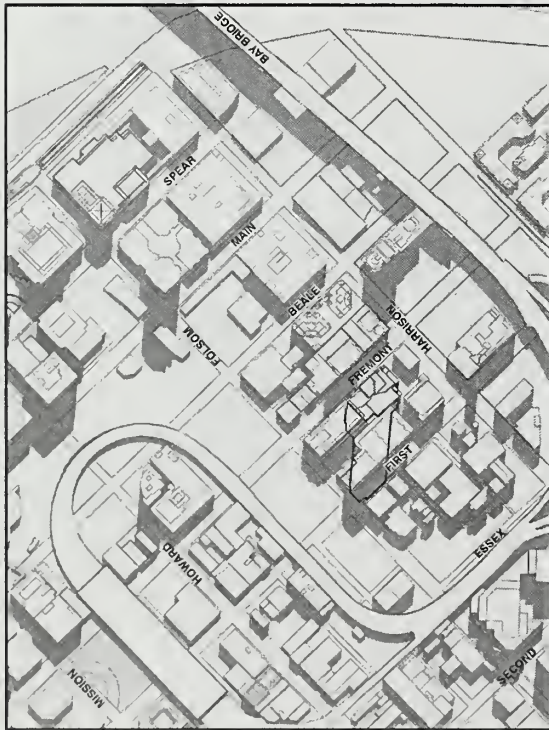


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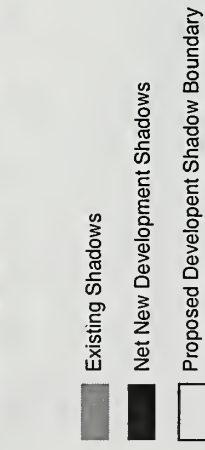




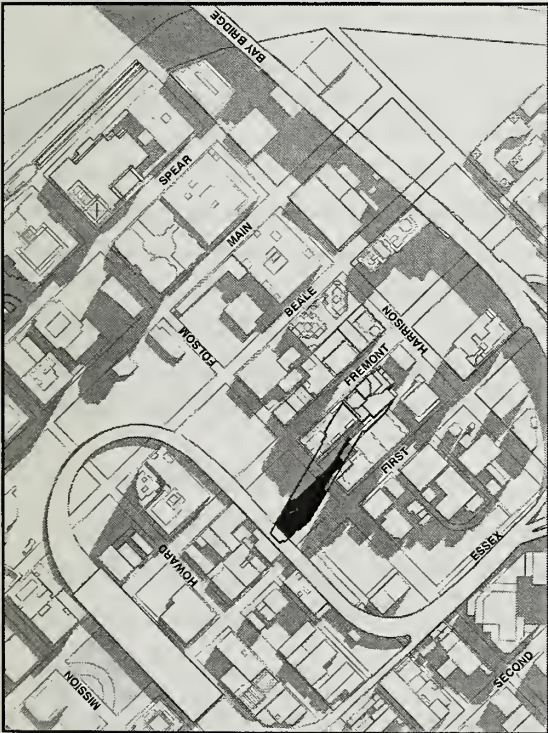
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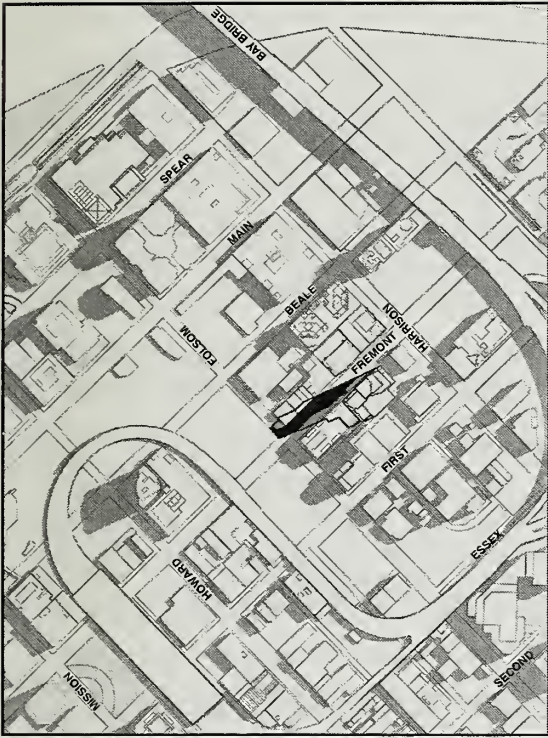
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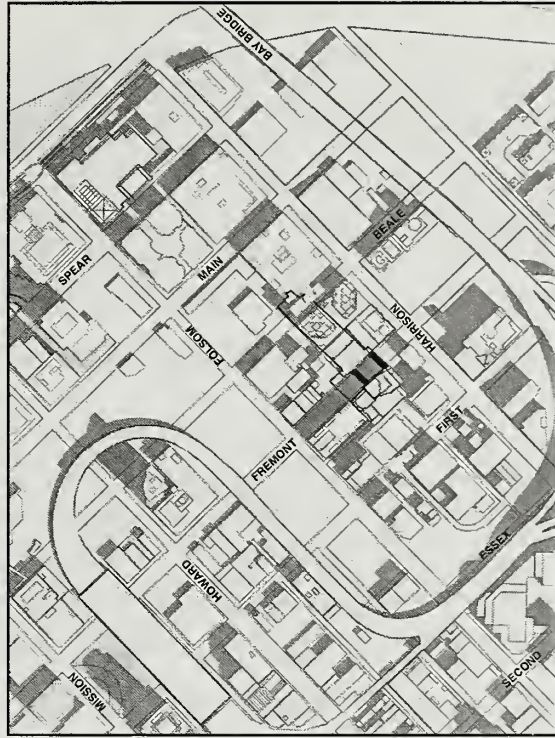
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September 21, 10:00 a.m. PDT



September 21, 12:00 PDT



September 21, 3:00 p.m. PDT

- Existing Shadows
- Net New Development Shadows
- Proposed Development Shadow Boundary



The structure, massing and location of the proposed 340-350 Fremont Street project were included in the Plan EIR, and therefore shadow impacts of the project were included in the evaluation.³² A project-specific shadow study was performed using a 3-D model of the relevant portions of the project vicinity including the proposed project and all buildings that could shadow open spaces in the area to identify new shadow that would be cast specifically by the proposed 340-350 Fremont Street project. This analysis confirmed that although the project would increase shading of streets sidewalks in the project vicinity, no project shadow would reach any open space subject to Section 295, nor would the project create new shade on other publicly accessible open spaces during the mid-morning through mid-afternoon periods.

Shadow patterns for the proposed project are shown for representative times of the day during the first day of each of the four seasons: the winters and summer solstices and the spring and fall equinoxes. The greatest extent of new shadow would occur during late fall and early winter, when the sun is lowest on the horizon. On December 21, the winter solstice, the sun reaches its low point at sunrise, its most southerly location (see Figure 18). On the spring and fall equinoxes (March 21 and September 21), the sun would rise farther north than in winter (Figures 19 and 21). During the summer solstice, on June 21 when the sun reaches its highest point in the sky, the project would exhibit its shortest shadow (Figure 20). Times selected for analyses include 10:00 a.m., 12:00 p.m. and 3:00 p.m.

The project would add new shadow in the project vicinity. However, due to shading by existing buildings, new shadow cast by the project would be limited. The project would cause new shadow on Fremont Street between Harrison and Folsom Streets in the mid-day and afternoon hours for most of the year. Most of the street in this area, including both sidewalks, is shaded under existing conditions when the project would add new shadow. The project would also add new shadow on Folsom Street between about Fremont and First Streets, and shadow a portion of the block located to the north of the project site at morning in the spring and fall.

In the winter at the morning hour, the project would add new shadow to the eastern block frontage of Fremont Street from just south of the intersection of Fremont and Folsom Streets to the bus ramp serving the Transbay terminal. At mid-day, the project would add new shadow to the northeast of the site, generally extending north of the intersection of Folsom and Beale Streets. The project would not shade the publicly accessible open space surrounding 221 Main Street. In the afternoon, project shadow would reach the Embarcadero but fall short of Rincon Park. Again, due to existing structures, the project would cast almost no new shadow at this time.

In light of the above, the 340-350 Fremont Street project would not have any new or substantially more severe shadow effects than those examined in the Plan EIR, and no new or additional information has come to light that would alter the conclusions of the Final EIR for the Rincon Hill Plan.

³² The shadow analysis in the Rincon Hill Plan Final EIR included, in the 82.5-Foot Tower Separation Option, two towers on the west side of Fremont Street, one slightly north of and one slightly south of the proposed 340-350 Fremont Street project's tower as currently proposed. Therefore, the analysis in the Final EIR physically "brackets" the proposed project's shadow impacts.

5. Wind

The Final EIR found, based on a series of three tests³³ in connection with the One Rincon Hill (425 First Street) project, that cumulative Plan area development could result in between one and three wind hazard criterion exceedances in the area between Essex and Beale Streets, absent project-specific mitigation, with no scenario resulting in more than a total of five hours per year that would exceed the 36-mph wind hazard criterion. Because compliance with Planning Code Section 827(f) would preclude these hazard exceedances on a project-specific basis, the Plan EIR concluded that the Plan would have no significant effects. In terms of average wind speeds, there was also little difference between test scenarios. Average wind speeds ranged from about 11.9 to 12.3 mph, about 1 mph greater than existing conditions and a difference that is unlikely to be perceptible.

A project-specific wind-tunnel study was conducted to evaluate the proposed 340-350 Fremont Street project.³⁴ The project-specific test was based on the current project design, which includes replacing the two existing structures on the project site and constructing an eight-story (approximately 85 feet) podium situated on the northwest portion of the site, and a 40-story (approximately 400 feet) residential tower. With this design, the wind-tunnel testing revealed that neither the existing, project nor cumulative test scenarios would generate an exceedance to the Planning Code's wind hazard criterion. The project would not result in wind speeds newly exceeding the Planning Code's 36-miles-per-hour standard for winds judged to be hazardous and, therefore, project-specific impacts would be less than significant. While the project would not eliminate existing exceedances of the pedestrian-comfort criteria in the Planning Code, the average of the wind speeds would increase only minimally, from 11.5 to 11.6 mph, a difference that would not be perceptible. The project would result in three new exceedances of the comfort criterion, all on the project's private open spaces. Two of these exceedances would occur on the north side of the project site along the corridor between the project and the PG&E substation, and the third would occur on the east side of the project site within the private internal open space. These exceedances of the comfort criterion would not be considered a significant impact.

In summary, the project wind test demonstrates that the Plan EIR adequately addressed the wind impacts of the proposed 340-350 Fremont Street project, that the 340-350 Fremont Street project would not have any additional effects that were not examined in the Plan EIR, and no new or additional information has come to light that would alter the conclusions of the Final EIR for the Rincon Hill Plan.

6. Hazardous Materials

As noted in the FEIR, compliance with applicable federal, state, and local laws, regulations, and standards regarding underground storage tanks, buried debris, unidentified contamination, and compliance with asbestos abatement and PCB disposal regulations would reduce potential impacts associated with

³³ The structure, massing and location of the proposed project were included in each of three cumulative scenarios studied in the Rincon Hill Plan analysis.

³⁴ Environmental Science Associates, "Potential Wind Conditions, 340-350 Fremont Street, San Francisco, California," October 4, 2005. Available for review by appointment at the Planning Department, 1660 Mission Street, Suite 500, in Case File 2004.0481E.

hazardous materials to a less-than-significant level. Project-specific analysis of the proposed project is presented below.

A Phase I Environmental Site Assessment for the project site was conducted in 2004.³⁵ The site was initially developed as residential property in the 1800s, and later tenants on the site included a machine shop, soap factory, and other light industrial uses. The existing on-site structures were constructed in 1956 and 1962. Current tenants are two maritime union halls, one of which provides a medical clinic.

A preliminary geotechnical study was completed for the project site and based on prior evaluation of adjacent properties, the study estimates that the site is underlain by about 10 feet of fill that likely consists of loose to medium dense sand, with variable amounts of brick debris from the 1906 earthquake.³⁶ For this reason, such fill often contains lead or other hazardous constituents that qualify excavated soil as Class II ("designated") waste, or Class I ("hazardous") waste. A project-specific mitigation measure has therefore been included to implement Plan EIR Mitigation Measure H.1 and address possible disturbance of contaminated soil. The mitigation measure would be implemented by the project sponsor (see Project Mitigation Measure 2, p. 69).

Although little information is available regarding historic hazardous material use by tenants, the project site is not referenced in any regulatory database for hazardous materials or hazardous wastes. Due to the long history of industrial use on the site and in the Plan area, the Phase I concluded a potential exists for contaminated soil to be disturbed by project excavation. There are no properties in the vicinity of the project site suspected of having adversely affected environmental conditions at the project site. Other potential hazardous building materials, such as lead-based paint, asbestos, and PCB-containing fluorescent lights, could pose health threats for demolition workers, but would be mitigated by standard abatement procedures and compliance with applicable laws and regulations (including Section 3407 of the San Francisco Building Code and Section 19827.5 of the California Health and Safety Code), as described in the Initial Study for the Plan EIR (Appendix A of the FEIR). The Phase I report identified no other hazards, such as underground tanks. No nearby sites identified as potential sources of contamination would affect the project site due to the distance and the down or cross gradient locations of these sites. The project site falls outside the boundary of the City and County of San Francisco Ordinance 253-86 (Maher Ordinance), and thus would not be under the jurisdiction of this ordinance.³⁷

Based on the above project-specific analysis, the Plan EIR adequately addressed the hazards-related impacts of the proposed 340-350 Fremont Street project, the 340-350 Fremont Street project would not have any additional effects that were not examined in the Plan EIR, and no new or additional information has come to light that would alter the conclusions of the Final EIR for the Rincon Hill Plan.

³⁵ Secor, *Phase I Environmental Site Assessment*, Marine Engineers Beneficial Association and Seafarer's International Union, 340 and 350 Fremont Street, August 3, 2004. Available for review by appointment at the Planning Department, 1660 Mission Street, Suite 500, in Case File 2004.0481E.

³⁶ Treadwell & Rollo, *Due Diligence Geotechnical Study*, 340-350 Fremont Street, San Francisco, July 2, 2004.

³⁷ The Maher Area encompasses the area of the City bayward of the original high tide line, where past industrial uses and fill associated with the 1906 earthquake and bay reclamation often left hazardous waste residue in soils and groundwater. The Ordinance requires that soils must be analyzed for hazardous wastes if more than 50 cubic yards of soils are to be disturbed.

7. Archaeological Resources

The Plan EIR found that excavation that would be required for subgrade parking and building foundations could adversely affect subsurface cultural resources, although the impact could be mitigated to a less-than-significant level through one of three mitigation measures, depending on the location of subsequent development. The 340-350 Fremont Street project would be developed in an area not previously analyzed in an areawide archeological study. Mitigation identified in the Final EIR called for a site-specific Archaeological Research Design and Treatment Plan, which has been prepared for the 340-350 Fremont Street project and is summarized here.³⁸

The archaeological report discusses the prehistoric period as well as the historical development of the project block and its former inhabitants. The report describes existing conditions on the site, and identifies and describes archaeologically sensitive areas, the significance of existing resources, the potential impacts of the project on those resources, and recommendations for testing on the site.

According to the archaeological report, prehistoric cultural resources in the vicinity of the project site and throughout the Bay Area would pertain to the Costanoan (Ohlone) peoples that inhabited the region as hunter-gatherers from ca. 4,000 B.C. until the arrival of the Spanish in the 18th century, at which point these indigenous people were forced to live in missions, give up their languages, and practice agriculture. Records searches conducted during preparation of the report revealed that no prehistoric cultural resources have been previously recorded within the confines of the project site. However, several prehistoric sites have been recorded in the South of Market area within a one-mile radius of the project site and the addendum lists several recent finds of prehistoric resources in the general area (including a find dating as recently as September 2004 at 835 Market Street). The addendum, therefore, concludes that despite the intensive land development in the area (which would potentially destroy or disturb underlying prehistoric archaeological resources) it is possible that there may be previously undocumented prehistoric archaeological deposits within the boundaries of the project site.

The project site's proximity to an area known as the "Happy Valley" Gold Rush encampment site raises the possibility that the project site may yield remnants from this period. The project area, along with most of the South of Market region, was destroyed during the 1906 Earthquake and Fire. Following the earthquake, according to the 1913 Sanborn fire insurance map, the project site was occupied by various commercial businesses including the American Can Company machine shop and the United Carriage Company's stable, shipping offices, and a general warehouse. The 1949 Sanborn map indicates that the project site was occupied by the Western Bag Company and the Newell Gutrot Co. Soap Factory and adjacent warehouses. The existing buildings were constructed in 1955-1956 (350 Fremont Street) and 1962 (340 Fremont Street). Potential resources that could be found within the boundaries of the project site could therefore include prehistoric Native American cultural deposits and human remains, Gold Rush Era refuse and architecture, and later 19th Century residential and industrial refuse, which would be

³⁸ Archeo-Tec, "Archaeological Research Design and Treatment Plan, 340-350 Fremont Street," May 2005. Available for review by appointment at the Planning Department, 1660 Mission Street, Suite 500.

potentially significant under Criterion 4 (potential to reveal important historical or prehistorical information) of the California Register of Historic Resources.

In addition to the above, there is a possibility, albeit not terribly strong, that ephemeral artifacts from the 1934 San Francisco waterfront strike could be discovered beneath the project site. On July 5, 1934, with longshoremen having walked off the job two months earlier, and following battles between police and strikers two days before, thousands of strikers attempted to block freight trains loaded by replacement workers. After police threw tear gas, the strikers fled up Rincon Hill, where brick- and bottle-throwing strikers confronted tear gas-wielding police. After workers regrouped in front of the longshoremen's union hall on Steuart Street, police barricaded the block and advanced toward the picketers. Perhaps in response to lobbed projectiles, police opened fire on the crowd, killing two people and injuring many others, forever branding the day "Bloody Thursday." This prompted Governor Frank Merriam to call out the National Guard, which ended the street fighting but prompted longshoremen's leader Harry Bridges to decry the intervention by the state and the city on behalf of ship owners. Following a funeral parade for the two killed strikers on July 9, more than 100 unions in San Francisco joined in a general strike that lasted four days and involved more than 100,000 workers in San Francisco, Oakland, and elsewhere in Alameda County. The maritime strike ended after 83 days when both sides agreed to an arbitration panel appointed by President Franklin Roosevelt; in October, the panel provided a "sweeping victory for the union, which won all its major demands: the first coast-wide contract in history, a hiring hall jointly operated but mainly union-controlled, with rotary dispatching and no discrimination, a six hour day, a thirty-hour week, a wage increase, and union-management grievance machinery." Potential artifacts that may remain from "Bloody Thursday" might include, for example, tear gas canisters and shell casings.

The addendum report recommends pre-construction testing to determine the presence or absence of archaeological resources that could be found within the boundaries of the project site and could be affected by construction activities.

Project Mitigation Measure 3 (p. 71), which would require archaeological testing, monitoring, and data recovery programs, would implement Plan EIR Mitigation Measure I.1 to reduce the potential impacts to subsurface archaeological resources to a less-than-significant level, and the project sponsor has agreed to implement this measure. Therefore, the Plan EIR adequately addressed the archaeological impacts of the proposed 340-350 Fremont Street project, the 340-350 Fremont Street project would not have any additional effects that were not examined in the Plan EIR, and no new or additional information has come to light that would alter the conclusions of the Final EIR for the Rincon Hill Plan.

8. Growth Inducement

The FEIR found that the Rincon Hill Plan would not be considered growth-inducing. The Plan would encourage continued development of a high-density residential neighborhood in close proximity to the major employment center of downtown San Francisco, and would encourage reuse of a relatively underutilized post-industrial neighborhood where basic urban infrastructure is provided. As such, the Plan would be more appropriately characterized as infill development rather than be considered growth-

inducing. The proposed 340-350 Fremont Street project was considered in the FEIR, and is consistent with the Rincon Hill Plan. Therefore, the effects of the 340-350 Fremont Street related to growth inducement would be similar to those identified in the FEIR, and would not be significant. Hence, no further analysis is required, because the Plan EIR adequately addressed the growth-inducing impacts of the proposed 340-350 Fremont Street project, the 340-350 Fremont Street project would not have any new or substantially more severe effects than were examined in the Plan EIR, and no new or additional information has come to light that would alter the conclusions of the Final EIR for the Rincon Hill Plan.

9. Geology

Geology was discussed in the Rincon Hill Plan Initial Study (Appendix A of the FEIR) and determined to result in less-than-significant impacts. A subsequent 340-350 Fremont Street project-specific geotechnical study was completed, which confirmed the findings of the Rincon Hill Plan Initial Study.

The preliminary site-specific geotechnical investigation, prepared by an independent consultant, concludes that the proposed project is feasible from a geotechnical standpoint.³⁹ Primary issues to be resolved in further geotechnical evaluation include the selection of an appropriate foundation system and support of adjacent structures during construction. The report identifies a mat foundation as the most appropriate foundation type. Regarding shoring, the report states that soldier beams and lagging may be used to retain adjacent soil, with adjacent foundations underpinned as necessary; alternatively, a rigid system such as soil-cement walls could be employed; this system can retain adjacent structures and reduce dewatering. "Soil nails" may be used where bedrock is encountered. Further foundation and shoring design would be undertaken in a final geotechnical report that would be prepared for the project.

The project site is underlain by bedrock of the Franciscan Formation at depths as shallow as immediately below the sidewalk to about 20 feet below grade. Project excavation would remove overlaying soil and the bottom of the excavation would be within bedrock.

Based on prior evaluation of adjacent properties, the geotechnical study estimates that the site is underlain by bedrock of the Franciscan Formation at about 50 feet below ground surface in the southern portion of the project site. The bedrock surface slopes downward to the north and east following surface topography. The proposed project would involve excavation of approximately 70,000 cubic yards of soil to accommodate the five subgrade parking levels. The average depth of excavation would be approximately 60 feet, with variation due to site topography. Excavation may expose bedrock in the southern portion of the site. Due to the loose sandy soils found in project area, settlement up to one inch is expected to occur beneath sidewalks and utility lines which adjoin the site, requiring flexible utility connections and completion of a detailed geotechnical study of the site. Due to density of shallow sands, the potential for liquefaction or lateral spreading is low. As no active or potentially active faults exist on the site, the risk of fault offset at the site from a known active fault is low.

³⁹ Treadwell & Rollo, *Due Diligence Geotechnical Study*, 340-350 Fremont Street, San Francisco, July 2, 2004.

Groundwater is estimated to occur approximately 40 to 50 feet below ground surface and given the depth to groundwater, dewatering likely would be required during construction. Any groundwater encountered during construction would be subject to the requirements of the City's Industrial Waste Ordinance (Ordinance No.199-77), requiring that groundwater meet specified standards before it may be discharged into the sewer system. Project Measure 4, p. 74 (testing and treatment of groundwater prior to discharge to the sewer), would implement Plan EIR Mitigation Measure H.2 and would ensure that any effects related to dewatering would be reduced to a less-than-significant level. Therefore, the Rincon Hill Plan EIR Initial Study adequately addressed geology impacts of the proposed 340-350 Fremont Street project, the 340-350 Fremont Street project would not have any additional or substantially more severe effects than were examined in the Plan EIR, and no new or additional information has come to light that would alter the conclusions of the Final EIR for the Rincon Hill Plan.

10. Other Issues

The following issues that were fully analyzed in the Rincon Hill Plan EIR require no further analysis: **population and housing**, because the FEIR identified no significant impacts related to population and housing and the 340-350 Fremont Street project, as currently proposed is very similar to the project analyzed as part of the FEIR in that the proposed project would have about 380 dwelling units, while the project included in the FEIR analysis would have 340 units, slightly larger in average floor area than those currently proposed. The difference in population would be about 55 additional residents (assuming 1.4 persons per unit, as was assumed in the FEIR), which would not substantially alter the conclusions of the FEIR, in the context of growth in the Rincon Hill Plan area. The increase in the number of dwelling units, compared to the number assumed in the FEIR, would also result in a proportionate increase in the number of units that would be required to be affordable (for this project), although it cannot be stated with certainty that this would result in an increase in affordable units throughout the Plan area, as there could be similar minor adjustments in the development program of other project in Rincon Hill. Therefore, the Plan EIR adequately addressed the project's effects on population and housing, and no further analysis is required.

With regard to **air quality**, the FEIR identified significant air quality impacts during project construction that could be reduced to less-than-significant effects with the implementation of the dust-control mitigation measure identified in the FEIR. This measure (see Project Mitigation Measure 5, p. 75) would be implemented by the project sponsor and would reduce construction air quality impacts to a less-than-significant level. Operational impacts of Plan implementation were found in the Plan EIR to be less than significant, although Plan implementation could contribute to potentially significant cumulative impacts. As noted in Chapter IV, Mitigation Measures, p. 75, the project would implement Plan EIR Mitigation Measure E.2 to the extent applicable and feasible for a project of this nature. Therefore, the Plan EIR adequately addressed the project's air quality impacts, and no further analysis is required.

With regard to **hydrology/water quality**, the FEIR found that development pursuant to the Rincon Hill Plan could incrementally increase wet-weather flows in the City's combined sewer-stormwater system,

although this impact was determined to be less than significant, based on compliance with existing and future regulations and coordination with ongoing planning efforts to provide long-term water quality protection of the Bay. Because the 340-350 Fremont Street project would represent only about 10 percent of the population growth forecast for the Rincon Hill area, it would contribute only a small share of the Plan area's less-than-significant increase in sanitary sewer volume and, therefore, would not result in a significant impact. Therefore, the Plan EIR adequately addressed the project's effects related to hydrology and water quality, and no further analysis is required.

CHAPTER IV

Mitigation Measures

There are several items required by law that would serve to mitigate potential significant impacts; they are summarized here for informational purposes. These measures include: no use of mirrored glass on the building to reduce glare, as per City Planning Commission Resolution 9212; limitation of construction-related noise levels, pursuant to the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code, 1972); compliance with Chapter 36 of the San Francisco Building Code, Work Practices for Exterior Lead-Based Paint; and observance of State and federal OSHA safety requirements related to handling and disposal of other hazardous materials, such as asbestos.

Historical Resources

FEIR Mitigation Measure

FEIR Mitigation Measure I.2d would be implemented through Project Mitigation Measure 1a.

Project Mitigation Measure 1a—HABS Recordation

- To partially offset the loss of 340 and 350 Fremont Street, the project sponsor shall, at a minimum, ensure that a complete survey, to the standards of the Historic American Building Survey (HABS), is undertaken prior to demolition. This survey should include a written description and historic narrative, and large-format photographic recordation of the 340 and 350 Fremont Street buildings in their present condition, as well as photo-documentation relevant to the buildings' historic use. The HABS documentation produced pursuant to this measure shall be made available to the San Francisco Public Library History Room, the Museum of the City of San Francisco, and the Labor Archives and Research Center at San Francisco State University, in conjunction with the Area Survey prepared pursuant to Mitigation Measure 1b, and shall also be incorporated into the Permanent Interpretive Exhibit prepared pursuant to Mitigation Measure 1c to the maximum feasible extent.
- HABS recordation does not fully mitigate the loss of historic structures. Although the primary significance of the 340 and 350 Fremont Street buildings relates to association and not architecture, demolition of the 340 and 350 Fremont Street buildings would nonetheless result in significant, unavoidable impact on historical resources. In addition, demolition of 340 and 350 Fremont Street, together with demolition of other maritime union buildings, may result in a significant cumulative impact. Therefore, additional mitigation measures are identified below.

Additional Mitigation Measures

Given the anticipated loss of several buildings in the Rincon Hill Plan area, the Plan EIR included an Improvement Measure (p. 232) that, while it would not reduce impacts of the Plan to a less-than-significant level, would contribute to knowledge of historical resources in the Plan area. The measure is as follows:

The Planning Department will undertake an evaluation of the Rincon Hill Plan area for cultural/historical resources. The City-managed survey/evaluation would be funded by contributions from developers of projects within the Plan area. The study would consist of 1) research (beginning with what has been developed to date for the area) on the patterns of history and significance of the area in various contexts (i.e., early San Francisco settlement, labor, Filipino and other ethnic communities, etc.), resulting in a comprehensive context statement for the Plan area, including map locations; 2) architectural evaluation of the area's built environment in relation to the context statement, resulting in individual property evaluations and identification of any clusters, sub-areas, or themes to which the property belongs; and 3) determination of enough resources with sufficient integrity remain to support formation of a historic district.

- In recognition of this measure, and because the project would result in the loss of two of the related maritime union buildings deemed to be historic resources under CEQA, the following additional mitigation measures are identified. These measures would be implemented by the project sponsor through a direct financial contribution to an earmarked City fund, supplemented by grant monies and potentially by contributions from other project sponsor(s), with work directed and monitored (including identifying curation and coordinating agency approvals) by the Planning Department and funded by the sponsor(s).

The following mitigation measures, tailored to suit the proposed project, would be implemented by the project sponsor and sponsor(s) of other Rincon Hill projects, as directed by the Planning Department.

Project Mitigation Measure 1b—Area Survey

- To partially offset the cumulative loss to the historic context of the existing area, and to support the development of Mitigation Measure 1c, a historic narrative and survey shall be prepared to record the patterns of history and significance of Rincon Hill in the context of buildings associated with (e.g., owned or occupied by) maritime labor organizations important to the area history, including map locations. The resulting documentation shall include large-format photographic recordation (both current and historic), and identification of salvage materials and building elements. Written materials and large-format photography shall be presented to the San Francisco Public Library History Room, the Museum of the City of San Francisco, and the Labor Archives and Research Center at San Francisco State University.

Project Mitigation Measure 1c—Permanent Interpretive Exhibit

- To partially offset the cumulative loss to the maritime labor historic context of the existing area, a detailed, high-quality exhibit on maritime worker history in San Francisco, specifically focusing on the period from 1936 to 1966, and on AFL maritime unions and social institutions that located major structures on Rincon Hill during that time, shall be prepared. The exhibit should include historic photographs, archeological and salvage artifacts, and interpretive text on twentieth century strike history and labor life. A labor historian experienced in that field and an architectural historian qualified as per the Secretary of the Interior's Standards shall conduct the research for the exhibit, and design of the exhibit shall be in consultation with a professional exhibit designer and/or public art historian, and with representatives of some of the major surviving maritime unions, especially the International Longshore and Warehouse Union and the Sailors' Union of the Pacific. The exhibit shall be placed on permanent public display in the immediate vicinity of the existing buildings involved in the context, and shall be created with materials suitable to its location (e.g., durable waterproof materials for exterior display). If the Sailors' Union of the Pacific union hall becomes a community center, as envisioned under the Rincon Hill Plan, a public space in the building such as the lobby would be an ideal location to place the exhibit on permanent display. In addition to the permanent exhibit, additional

materials for off-site lectures, presentations, or temporary exhibits at other locations, such as the Museum of the City of San Francisco, may be developed. Additionally, the exhibit should include an outdoor public information component in the form of an Interpretive Trail presenting neighborhood history through public interpretive information and photos, such as through the installation of information plaques in the sidewalk (as used for the Barbary Coast walk) and/or on new buildings developed on Rincon Hill, or the installation of informational kiosks (as along the Embarcadero) or some similar approach that would inform the public as to important sites in the history of maritime labor on Rincon Hill. An accompanying publication should be prepared, drawing upon the area survey and research, presented in one or more accessible formats for public information, made available in electronic form through a website and hardcopy formats available on-site and elsewhere. Plans for implementation of this measure shall be developed by Planning Department staff working with the project sponsor(s) and the qualified professionals noted above prior to the issuance of demolition permits, and the proposal shall be presented to the Landmarks Preservation Advisory Board for review and comment.

Implementation of the above mitigation measures would reduce the effect of the loss of several related maritime union buildings on Rincon Hill that are identified as historical resources under CEQA and that have importance in the maritime worker history of Rincon Hill. However, the demolition of the buildings at 340 Fremont Street and 350 Fremont Street, as a result of the proposed project, would constitute a considerable contribution to a cumulative significant impact, and could not be fully mitigated.

The above mitigation measures would also serve to partially implement the Rincon Hill Plan FEIR improvement measure noted above. The Planning Department will continue to pursue, subject to available funding, implementation of other aspects of the FEIR improvement measure, including preparation of a comprehensive historic narrative and survey to record the patterns of history and significance of the area in contexts other than labor history (i.e., early San Francisco settlement, and Filipino and other ethnic communities), resulting in a comprehensive context statement for the Plan area, including map locations.

Wind

FEIR Mitigation Measure

FEIR Mitigation Measure G.1 has been implemented by the City, which incorporated the ground-level wind standards from the former Rincon Hill Special Use District into new Planning Code Section 827(f), within the Rincon Hill DTR use district controls. (See discussion of project wind impacts on p. 60 of this document.)

Hazardous Materials (Soil and Groundwater Contamination)

FEIR Mitigation Measure

FEIR Mitigation Measure H.1 would be implemented through Project Mitigation Measure 2. Implementation of this measure would reduce hazardous materials impacts to a less-than-significant level.

Project Mitigation Measure 2—Disturbance of Lead-Contaminated Soil

Step 1: Determination of Presence of Lead-Contaminated Soils

Prior to approval of a building permit for the project, the project sponsor shall hire a consultant to collect soil samples (borings) from areas on the site in which soil would be disturbed and test the soil samples for total lead. The consultant shall analyze the soil borings as discrete, not composite samples.

The consultant shall prepare a report on the soil testing for lead that includes the results of the soil testing and a map that shows the locations of stockpiled soils from which the consultant collected the soil samples.

The project sponsor shall submit the report on the soil testing for lead and pay a fee that shall cover five hours of soil testing report review and administrative handling. If additional review is necessary, DPH shall bill the project sponsor for each additional hour of review over the first five hours. These fees shall be charged pursuant to Section 31.47(c) of the San Francisco Administrative Code. DPH shall review the soil testing report to determine whether the soils on the project site are contaminated with lead at or above potentially hazardous levels.

If DPH determines that the soils on the project site are not contaminated with lead at or above a potentially hazardous level (i.e., below 50 ppm total lead), no further mitigation measures with regard to lead-contaminated soils on the site would be necessary.

Step 2: Preparation of Site Mitigation Plan

If, based on the results of the soil tests conducted, DPH determines that the soils on the project site area contaminated with lead at or above potentially hazardous levels, DPH shall determine whether preparation of a Site Mitigation Plan (SMP) is warranted. If such a plan is requested by DPH, the SMP shall include a discussion of the level of lead contamination of soils on the project site and mitigation measures for managing contaminated soils on the site, including, but not limited to: 1) the alternatives for managing contaminated soils on the site (e.g., encapsulation, partial or complete removal, treatment, recycling for reuse, or a combination); 2) the preferred alternative for managing contaminated soils on the site and a brief justification; and 3) the specific practices to be used to handle, haul, and dispose of contaminated soils on the site. The SMP shall be submitted to DPH for review and approval. A copy of the SMP shall be submitted to the Planning Department to become part of the case file.

Step 3: Handling, Hauling, and Disposal of Lead-Contaminated Soils

- (a) *Specific work practices:* If based on the results of the soil tests conducted, DPH determines that the soils on the project site are contaminated with lead at or above potentially hazardous levels, the construction contractor shall be alert for the presence of such soils during excavation and other construction activities on the site (detected through soil odor, color, and texture and results of on-site soil testing), and shall be prepared to handle, profile (i.e., characterize), and dispose of such soils appropriately (i.e., as dictated by local, state, and federal regulations, including OSHA lead-safe work practices) when such soils are encountered on the site.
- (b) *Dust suppression:* Soils exposed during excavation for site preparation and project construction activities shall be kept moist throughout the time they are exposed, both during and after work hours.
- (c) *Surface water runoff control:* Where soils are stockpiled, visqueen or comparable plastic sheeting shall be used to create an impermeable liner, both beneath and on top of the soils, with a berm to contain any potential surface water runoff from the soil stockpiles.
- (d) *Soil replacement:* If necessary, clean fill or other suitable material(s) shall be used to bring portions of the project site, where lead-contaminated soils have been excavated and removed, up to construction grade.
- (e) *Handling and disposal:* Contaminated soils shall be hauled off the project site by waste hauling trucks appropriately certified with the State of California and adequately covered to prevent dispersion of the soils during transit, and shall be disposed of at a permitted hazardous waste disposal facility registered with the State of California.

Step 4: Preparation of Closure/Certification Report

After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to DPH for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing lead-contaminated soils from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.

Archaeological Resources**FEIR Mitigation Measure**

FEIR Mitigation Measure I.1 would be implemented through Project Mitigation Measure 3.

Implementation of this measure would reduce effects on archaeological resources to a less-than-significant level.

Project Mitigation Measure 3—Archaeological Resources

Based on a reasonable presumption that archaeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried historical resources. The project sponsor shall retain the services of a qualified archaeological consultant having expertise in urban historical archaeology. The archaeological consultant shall undertake an archaeological testing program as specified herein. In addition, the consultant shall be available to conduct an archaeological monitoring and/or data recovery program if required pursuant to this measure. The archaeological consultant's work shall be conducted in accordance with this measure and with the archaeological testing recommendations of the project archaeological resources study (*Archaeological Research Design and Treatment Plan, 340-350 Fremont Street Project, San Francisco, California*, Archeo-Tec, Inc., May 2005) at the direction of the Environmental Review Officer (ERO). In any instance of inconsistency between the requirements of the archaeological research design and treatment plan or of the project archaeological resources study and of this archaeological mitigation measure, the requirement of the latter shall prevail. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archaeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archaeological resource as defined in CEQA Guidelines Section 15064.5 (a)(c).

Archaeological Testing Program. The archaeological consultant shall prepare and submit to the ERO for review and approval an archaeological testing plan (ATP). The project ATP shall be consistent with the testing recommendations of the project archaeological research design and treatment plan (Archeo-Tec, May 2005) that recommends the use of test trenches in 13 locations on the project site to identify extant cultural resources pertaining to prehistoric Native American cultures, the Gold Rush era, and later 19th century domestic lifestyles and industrial artifacts. The archaeological report specifies that the trenches shall be used to test for subsurface cultural remains until culturally sterile subsoil is reached, or until the excavator cannot safely dig any deeper [such as if bedrock is encountered]. The ATP shall identify the property types of the expected archaeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the

archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.

At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

- A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or
- B) A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

Archeological Monitoring Program. If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented the archeological monitoring program shall be consistent with the recommendations of the *Archeological Research Design and Treatment Plan for 340-350 Fremont Street, San Francisco* (May 2005) and shall minimally include the following provisions:

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archeological resources and to their depositional context;
- The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;
- The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;
- The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and

significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.

Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

Archeological Data Recovery Program. The archeological data recovery program shall be consistent with the Archaeological Data Recovery Plan (ADRP) as described in the *Archaeological Research Design and Treatment Plan for 340-350 Fremont Street*. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- **Field Methods and Procedures.** Descriptions of proposed field strategies, procedures, and operations.
- **Cataloguing and Laboratory Analysis.** Description of selected cataloguing system and artifact analysis procedures.
- **Discard and Deaccession Policy.** Description of and rationale for field and post-field discard and deaccession policies.
- **Interpretive Program.** Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.
- **Security Measures.** Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.
- **Final Report.** Description of proposed report format and distribution of results.
- **Curation.** Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

Human Remains and Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines, Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.

Final Archeological Resources Report. The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.

Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.

Geology

FEIR Mitigation Measures

FEIR Mitigation Measure H.2 would be implemented through Project Mitigation Measure 4.

Implementation of this measure would reduce effects of dewatering, if required, to a less-than-significant level.

Project Mitigation Measure 4—Dewatering

If dewatering is necessary, the project sponsor shall follow the recommendations of the site assessment/ remediation consultant, in consultation with the Bureau of Environmental Regulation (BERM) of the San Francisco Public Utilities Commission, regarding treatment, if any, of pumped groundwater prior to discharge to the combined sewer system. Any groundwater encountered during construction of the proposed project would be subject to requirements of the City's Industrial Waste Ordinance (Ordinance Number 199 77), requiring that groundwater meet specified water quality standards before it may be discharged into the sewer system. The BERM must be notified of projects necessitating dewatering. That office may require water analysis before discharge.

If dewatering is necessary, groundwater pumped from the development site shall be retained in a holding tank to allow suspended particles to settle, if this is determined necessary by the BERM to reduce the amount of sediment entering the combined sewer system. The project sponsor shall require the general contractor to install and maintain sediment traps if determined necessary by the BERM.

Air Quality

FEIR Mitigation Measures

FEIR Mitigation Measure E.1 would be implemented through Project Mitigation Measure 5. (Note that the second and third tier actions in FEIR Mitigation Measure E.1 are applicable to construction sites of greater than four acres and/or to sites that, for other reasons, may warrant additional emissions reductions, and therefore would not apply to the proposed project.) Implementation of Project Mitigation Measure 5 would reduce construction-related air quality impacts to a less-than-significant level.

Project Mitigation Measure 5—Construction Air Quality

To reduce particulate emissions, the project sponsor shall require the contractor(s) to spray the project site with water during demolition, excavation and construction activities; sprinkle unpaved exterior construction areas with water at least twice per day, or as necessary; cover stockpiles of soil, sand, and other material; cover trucks hauling debris, soil, sand, or other such materials; and sweep surrounding streets during demolition, excavation, and construction at least once per day. Ordinance 175-91, passed by the Board of Supervisors on May 6, 1991, requires that non-potable water be used for dust control activities. Therefore, the project sponsor would require that the contractor(s) obtain reclaimed water from the Clean Water Program for this purpose.

The project sponsor shall require the project contractor(s) to maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants, by such means as prohibiting idling motors when equipment is not in use or when trucks are waiting in queues, and implementing specific maintenance programs to reduce emissions for equipment that would be in frequent use for much of the construction period.

FEIR Mitigation Measure E.2—Operational Air Quality

This measure, intended to reduce the Rincon Hill Plan's contribution to potentially significant cumulative air quality impacts, would be implemented, to the extent feasible, through project design consistent with the adopted Rincon Hill DTR use district controls. For example, the project would be "design[ed] and locate[d] ... to facilitate transit access" (Item 2.ii); would include an on-site parking spaces for City CarShare (Item 5.i); and would provide secure bicycle parking (Item 6). It is noted, however, that the bulk of the provisions in this measure are applicable to employment-generating (non-residential) uses, and would therefore not be applicable to the proposed project.

CHAPTER V

Significant Environmental Effects That Cannot Be Avoided if the Proposed Project is Implemented

In accordance with Section 21067 of the California Environmental Quality Act (CEQA), and with Sections 15040, 15081 and 15082 of the State CEQA Guidelines, potential impacts that could not be eliminated or reduced to an insignificant level are limited to effects on historic resources; specifically, the project would result in demolition of the two existing buildings on the project site, at 340 Fremont Street and 350 Fremont Street. Based on the analysis prepared for this EIR, each of these buildings is considered a historical resource under CEQA. The building at 350 Fremont Street is considered historic by virtue of its being considered individually eligible for listing on the California Register of Historical Resources under Criterion 1 (Events), because of its association with the history of San Francisco's maritime union movement. The building at 340 Fremont Street is considered potentially eligible for the California Register under Criterion 1 as a contributing structure to a related group of maritime union structures on Rincon Hill. The building at 350 Fremont Street is also a contributor to this related group of structures. In addition to the impacts on the buildings themselves, demolition of the two buildings would adversely affect the group of related maritime buildings by eliminating two of four existing maritime union halls on Rincon Hill.

This impact of demolition of the two buildings could be reduced in severity through mitigation measures identified in the EIR, but would not be fully mitigable. Therefore, this impact is considered significant and unavoidable if the project is implemented.

This conclusion is subject to final determination by the Planning Commission as part of its certification process for the EIR. The Final EIR will be revised, if necessary, to reflect the findings of the Commission.

CHAPTER VI

Alternatives to the Proposed Project

This chapter identifies alternatives to the proposed project and discusses environmental impacts associated with each alternative. Project decision-makers could adopt any of the following alternatives, if feasible, instead of approving the proposed project.

A. Alternative A: No Project

Description

This alternative would entail no change to the site, which would remain in its existing condition. Each of the buildings on the project site would be retained. Both of the maritime unions that occupy the site have made arrangements to relocate to Oakland,⁴⁰ and it is therefore possible, but unlikely, that one or both of the two unions would remain on Fremont Street should this alternative be implemented. If either or both of the buildings were vacated, there is a potential that other office or commercial tenants could occupy the space. Such occupancy would likely be on a short-term basis, however, given the City's adopted policy direction, contained in the Rincon Hill Plan and the Rincon Hill Downtown Residential Mixed Use District, which promotes high-density residential use in the Plan area.

Impacts

Under this alternative, none of the project impacts that are described in Chapter III would occur. In particular, the two buildings on the project site would not be demolished. This alternative, therefore, would avoid the significant and unmitigable effect on historical resources that would occur with implementation of the proposed project. No new residential construction would occur on the project site, and therefore there would be no construction-related noise or air quality impacts (less than significant with the proposed project), nor would there be any potential exposure to—or, through mitigation, remediation of potentially contaminated soil or groundwater, which would be a less-than-significant impact of the proposed project. Archaeological resources would not be affected; this effect would be less than significant, as with the proposed project. Without new residential development, none of the less-than-significant transportation impacts of the proposed project would occur, nor would there be less-than-significant changes in views or wind or shadow impacts resulting from the high-rise residential tower that would be developed with the proposed project. This alternative would not meet the City's objectives under the Rincon Hill Plan to increase residential use in the Plan area.

⁴⁰ Based upon telephone conversations with Nick Marrone, Seafarers International Union (July 6, 2005) and Jim Anderson, Marine Engineers Beneficial Association (July 14, 2005).

B. Alternative B: Preservation Alternative

Description

This alternative would retain both of the existing buildings on the project site and renovate each structure for residential use. For purposes of analysis, it is assumed that the renovation would be undertaken consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties.⁴¹

Based on building permit information, the building at 350 Fremont Street contains approximately 9,400 square feet of floor area, and the building at 340 Fremont Street, about 9,500 square feet. It is assumed that 350 Fremont Street could accommodate up to 13 dwelling units (four to six on each of the two main levels, depending on the size of the units, and a additional unit in the partial third floor, which was originally constructed as a custodian's apartment).⁴² At 340 Fremont Street, which is two stories tall, it is assumed that eight to twelve dwelling units could be provided, again depending on size.

Impacts

By retaining the two structures on the project site, this alternative would avoid significant and unmitigable effect on historic resources that would occur with implementation of the proposed project. All other impacts of the proposed project were found to be less than significant, with mitigation as applicable and as described in Chapter IV, p. 67, and all other impacts of this alternative would also be less than significant. With a maximum of about 25 dwelling units, this alternative would have substantially less severe impacts than would the proposed project in terms of effects resulting from the intensity of development; that is, traffic volumes and traffic-generated air quality emissions, as well as and noise and demand for public services (discussed in the Rincon Hill Plan Initial Study). Visual effects would also be substantially less than those of the proposed project—approaching no impact—as the only changes in the existing buildings would likely to be fenestration, as additional windows would probably be required for residential units. There would be no new shadow or wind impacts, as the existing massing of the buildings would not change. Effects related to the location of the project site, such as geology, hydrology, and hazards, would be similar to or less substantial than those of the proposed project. This alternative, unlike the proposed project, would not meaningfully advance the goals of the Rincon Hill Plan to greatly increase the residential density of the neighborhood, in that this alternative would develop about 25 dwelling units, compared to more than 375 units with the proposed project.

⁴¹ The state CEQA Guidelines indicate that projects that are consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings ("Secretary's Standards") generally "shall be considered as mitigated to a level of less than a significant impact on the historic resource" (Section 15064.5(b)(3)). The Secretary's Standards are codified in National Park Service regulations (36 CFR 68) and included in the 1995 National Park Service publication *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Properties*, by Kay D. Weeks and Anne E. Grimmer, which is referenced in Section 15064.5 of the state CEQA Guidelines.

⁴² Depending on circulation space required and building efficiency, and the number of units developed, the units could range in size from about 600 sq. ft. to about 800 sq. ft., except the upper level unit, which would be 1,000 sq. ft.

C. Alternative C: Partial Preservation Alternative

Description

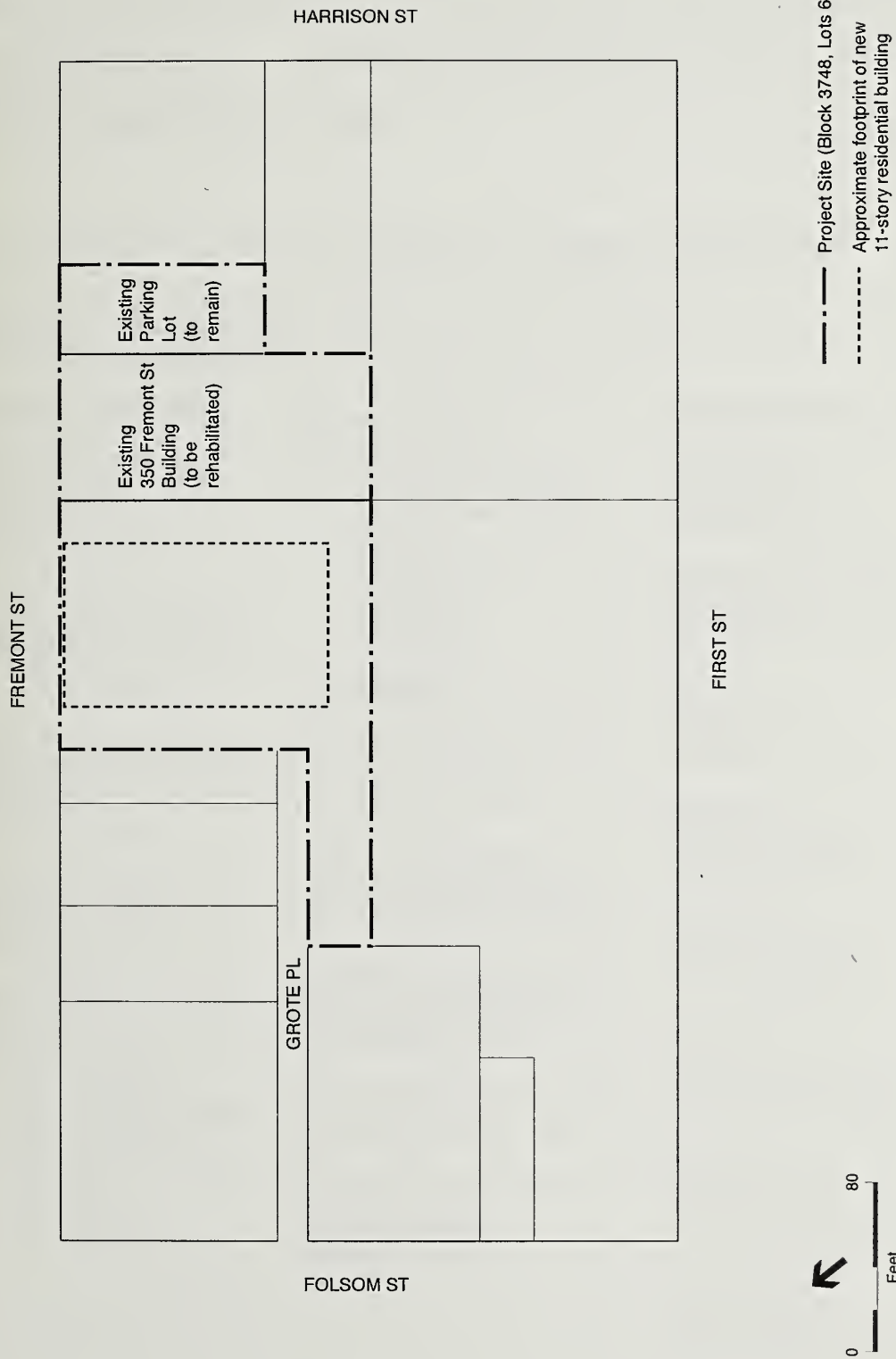
This alternative would include demolition of one of the two buildings on the project site (340 Fremont Street) and construction of a new residential structure at the location of this building. This alternative would retain the second existing building (350 Fremont Street, which has been determined individually eligible for listing on the California Register) and would rehabilitate this building for residential use.

The new residential building would occupy a parcel approximately 115 feet wide along Fremont Street, covering the site of the existing 340 Fremont Street building and the adjacent parking lot to the south. It is assumed that setbacks of approximately 20 feet would be required to the north (adjacent to the PG&E station) and south (adjacent to 350 Fremont Street), as well as to the rear (adjacent to the Metropolitan), to allow for windows in all sides of the new building. Thus, the new building would have a maximum floor plate of about 8,800 square feet, and could accommodate about seven residential units per floor.. Because of the required 115-foot tower separation between in the Rincon Hill DTR Use District, it is assumed that the new residential building would be a maximum of 110 feet (11 stories) tall, the height at which the tower separation requirement is imposed under Planning Code Sec. 270(e)(1)(G).⁴³ Thus, the new building could accommodate up to about 70 units, allowing for lobby space at the ground floor. This alternative would also include approximately 13 dwelling units in the rehabilitated 350 Fremont Street, as with Alternative 2 (Preservation Alternative). Figure 22 depicts a sketch plan of Alternative C.

Impacts

By retaining one of the two structures on the project site—the more historically important former Marine Cooks and Stewards building at 350 Fremont Street—this alternative would reduce, but would not completely avoid, the significant and unmitigable effect on historic resources that would occur with implementation of the proposed project. All other impacts of the proposed project were found to be less than significant, with mitigation as applicable and as described in Chapter IV, p. 67, and similarly all other impacts of this alternative would also be less than significant. With a maximum of about 83 dwelling units—about 20 percent of the number of units of the proposed project—this alternative would have less severe impacts than would the proposed project in terms of effects resulting from the intensity of development; that is, traffic volumes and traffic-generated air quality emissions, as well as and noise and demand for public services (discussed in the Rincon Hill Plan Initial Study). Visual effects would be less substantial than those of the proposed project, as this alternative would not build a tower (greater than 110 feet) on the project site. Similarly, shadow impacts would be less substantial and wind impacts could be lesser, as well. Effects related to the location of the project site, such as geology, hydrology, and hazards, would be similar to those of the proposed project. This alternative would, like the proposed

⁴³ A taller building could be no more than approximately 50 feet deep from the Fremont Street property line to maintain the required separation from the south tower of the Metropolitan development at 333 First Street, which would yield a floor plate of about 3,750 sq. ft., which is likely too small to make tower construction economical.



Case No. 2004.0552E: 340-350 Fremont Street Project . 204385
 SOURCE: ESA
Figure 22
 Alternative C – Sketch Plan

project, help to increase the residential density of the neighborhood and somewhat further the policy goals of the Rincon Hill Plan, although to a substantially lesser degree than the proposed project, as it would produce only about 20 percent of the units proposed with the project.

CHAPTER VII

DEIR Distribution List

List of Those to Receive Mailed Copies of Draft EIR

Copies of the Draft EIR and the Draft EIR hearing notice were mailed or delivered to the following public agencies, organizations, and individuals. In addition, Notices of Availability of the Draft EIR were mailed to about 600 parties who are neighbors of the project site.

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*Notice of Availability also sent to
project site neighbors.*

• CHAPTER VIII

340-350 Fremont Street Environmental Impact Report— Comments and Responses

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ATTACHMENT 1: Comment Letters	

A. Introduction

This document contains public comments received on the Draft Environmental Impact Report (Draft EIR, or DEIR) prepared for the proposed 340-350 Fremont Street project, and responses to those comments. Also included in this document are a discussion of changes to the project that have been proposed since publication of the Draft EIR and changes to the text of the Draft EIR.

Following this introduction, Section B contains a list of all persons and organizations who submitted written comments on the Draft EIR. No comments were made on the Draft EIR at the Planning Commission public hearing held on April 27, 2006.

Section C contains summaries of substantive comments on the Draft EIR received in writing during the public comment period, from March 25 through April 28, 2006. Comments are grouped by environmental topic and generally correspond to the table of contents of the Draft EIR. Where no comments addressed a particular topic, however, that topic does not appear in this document. The name of the commenter is indicated following each comment summary.

Section D contains text changes to the Draft EIR made by the EIR preparers subsequent to publication of the Draft EIR to correct or clarify information presented in the DEIR, including changes to the DEIR text made as a result of revisions to the proposed project.

Some of the responses to comments on the Draft EIR provide clarification regarding the DEIR; where applicable, changes have been made to the text of the DEIR, and are shown in double underline for additions and ~~striketrough~~ for deletions.

The comment letters received are reproduced in Attachment 1.

These comments and responses will be incorporated into the Final EIR as a new chapter. Text changes resulting from comments and responses will also be incorporated in the Final EIR, as indicated in the responses.

B. List Of Persons Commenting

Written Comments

City Agencies

M. Bridget Maley, President, Landmarks Preservation Advisory Board, letter, April 28, 2006

Individuals and Organizations

Charles Edwin Chase, AIA, Executive Director, San Francisco Architectural Heritage, letter,
April 20, 2006

Tim Kelley, President, Workplace History Organization, letter, April 21, 2006

Sue C. Hestor, Attorney at Law letter, April 28, 2006

Speakers at the Public Hearing, April 27, 2006

No speakers commented on the adequacy or accuracy of the Draft EIR.

C. Summary of Comments and Responses

Historical Resources

Comment

On April 19, 2006, the Landmarks Preservation Advisory Board (Board) held a public hearing and took public comment on the Draft Environmental Impact Report (DEIR) for the 340-350 Fremont Street dated March 25, 2006. After discussion, the Board arrived at the following comments:

- The Board found the proposed mitigation measures to be well conceived and appropriate.
- The Board gave its enthusiastic support to both the proposal for a survey of maritime union buildings and the proposal for a major interpretive exhibit on maritime unionism. The survey should include not only buildings that were constructed specifically as maritime union headquarters, but also buildings where maritime unions rented office space and which figured in significant ways in the history of the San Francisco waterfront. San Francisco City Directories and the directories published in the *Labor Clarion* will provide the addresses for maritime union offices, and the survey should determine which of those buildings survive and retain integrity. For example, the Audiffred building housed several maritime unions during the late 19th and early 20th centuries, it should be included even though it was not constructed specifically as a union office.
- For the interpretive exhibit, the board recommended that there be not only a professional historian involved, but also an advisory committee that would include representatives from some of the major surviving maritime unions, especially the ILWU and SUP. A professional exhibit designer or public art specialist should design the exhibit and the materials to be used should be specified in the contract. The [Historic American Building Survey (HABS)] documentation that is part of the mitigation plan should be incorporated into the exhibit's content.
- The placement of the exhibit in the building's lobby may not be the most accessible and visible location. The Board urged the project sponsor to explore more publicly accessible spaces to install the exhibit. Other areas like the building's exterior or adjacent public areas may increase the visibility of the exhibit. (*M. Bridget Maley, President, Landmarks Preservation Advisory Board*)

Response

Several recommendations by the Board have been incorporated into the Mitigation Measures. Please see the revised measures in Section D, p. C&R-17 of this document.

Concerning the comment regarding placement of the interpretive exhibit in the building lobby, it is noted that DEIR Mitigation Measure 1c made reference to the lobby *of the Sailors Union of the Pacific (SUP) union hall* (not the proposed 340-350 Fremont Street building), if the SUP hall becomes a community center, as envisioned under the Rincon Hill Plan.

Comment

Measure 1a—HABS Recordation—Although it is true that the primary significance of these buildings is associative, not architectural, it should be understood that the hiring hall and dispatch counter/window spaces are key architectural expressions of the historic nature of the buildings.

Maritime unions as a result of the strikes of the 1930, won union control of the hiring process. This revolutionary shift in a fundamental aspect of the employer-employee relationship was expressed in the public space of the hiring hall, with its large job board, and dispatch counter, or window. These spaces enabled a ritual enactment of fully transparent employment governed by the workers rather than the employer.

All open jobs were posted on the job board, highly visible in the open space of the hiring hall. The hall itself was intended to accommodate all concerned union members in an egalitarian open space. Interested members could then “throw in” for a particular job by handing in their date stamped registration card to the dispatcher. At specific designated “job call” times, the dispatcher would publicly announce the awarding of the job to the oldest card, subject to immediate challenge by any registrant with an older card.

Both before and after the designated job call times, union members and associates congregated in the hiring hall, which then functioned as general social space. News and information was shared between members, impromptu card or board games took place, disputes were settled or “taken outside” if they threatened the social sanctity of the hall. The space functioned as the town square, or plaza, for a population who otherwise were spatially separated most of the time.

Business meetings of the union also took place in the hiring hall. Thus, these spaces should be understood as the definitive and unique physical characteristic of maritime union halls—accommodation for large numbers of people, and for their essential business, in a self-governed, nonhierarchical space.

HABS Standard I states “Documentation shall adequately explicate and illustrate what is significant or valuable about the historic building, site, structure or object being documented.” Given this, WHO [the Workplace History Organization] believes it is important that HABS recordation include photographs of the spaces as occupied. The important functional identity of the space can not be adequately illustrated by photographs of it devoid of people.” (Tim Kelley, *Workplace History Organization*)

Response

The comment is noted, and the commenter's suggestion has been incorporated into Mitigation Measure 1a. Please see the revised measures in Section D, p. C&R-17 of this document. For information, it is noted that the Historic Resources Evaluation cited in the DEIR includes the 1952 photograph (shown at right) of a crowded hiring hall at a prior location of the Marine Cooks and Stewards' union hall.



Source: Page & Turnbull, 2005, from San Francisco Historical Photograph Collection, San Francisco Public Library

Comment

Measure 1b—Area survey—Here too, the photographic recordation, as well as identification of salvage materials and building elements, should be informed by an understanding of the hiring hall, job board, and dispatch counter/window as the essential defining characteristics of the buildings. (*Tim Kelley, Workplace History Organization*)

Response

The commenter's recommendation has been incorporated into Mitigation Measure 1b. Please see the revised measure in Section D, p. C&R-17 of this document.

Comment

Measure 1c—Permanent Interpretive Exhibit—WHO believes that qualified Labor History representatives should be included, along with Planning Department staff and project sponsors, in developing plans for Implementation of this measure. In addition, we believe the plans should be presented in a public forum prior to final adoption. The Landmarks Preservation Advisory Board appears to be the most appropriate such venue. (*Tim Kelley, Workplace History Organization*)

Response

The commenter's recommendation has been incorporated into Mitigation Measure 1c. Please see the revised measure in Section D, p. C&R-17 of this document.

Comment

San Francisco Architectural Heritage would like to comment on the Draft Environmental Impact Report completed for a proposed project at 340-350 Fremont.

Heritage concurs with the findings of the Historic Resource Report referenced in the DEIR. The historic information provided lends itself to a thorough picture of the history of these 2 buildings as well as the maritime presence in this area. It is only unfortunate that this information has come to light because the buildings are threatened with demolition.

The Rincon Hill area consists of approximately 12 blocks and is slated for major redevelopment as evidenced by the huge scale of existing and proposed projects. Retaining the historic resources in this area is very important in light of all this new construction. The loss of two more of these resources, 340 and 350 Fremont, is a significant impact of the proposed project and should be avoided. Heritage would like to reference the lesser impacts to historic resources in Alternatives B and C of this DEIR (pg. 77). These options allow for the development of the site but retain both or at least 350 Fremont Street as part of the final project.

On behalf of the more than 1,500 members of San Francisco Architectural Heritage, thank you for the opportunity to share our concerns and we encourage the use of a preservation alternative as opposed to demolition. (*Charles Chase, San Francisco Architectural Heritage*)

Response

The DEIR identified the loss of the two buildings on the project site, 340 and 350 Fremont Street, as a significant impact on the environment and identified mitigation to reduce the severity of this impact. However, as noted on DEIR p. 36, "mitigation could not reduce the impacts to a less-than-significant level. Therefore, the project would result in significant unavoidable impacts on historical resources."

The commenter's support for Alternatives B and C is noted.

Comment

HOW IN THE WORLD DID THAT HISTORY OF MARITIME AND OTHER UNIONS (pp. 24-31) GET IN THIS OTHERWISE BLAND EIR?

The only Preservation consultants listed in Chapter VIII are: Mat Snyder of the Department, and from Page & Turnbull - Chris VerPlanck, architectural historian and Eileen Wilde, architectural historian. And for the Rincon Hill Plan FEIR, Michael Corbett, Marjorie Dobkin and William Kostura. Which of these persons have experience/education in LABOR history?

I find those pages setting out the ins and outs of labor union politics, the left, the Communist party and factional disputes to be quite different than the usual bland descriptions of architectural detailing. Who is responsible for it? (*Sue C. Hestor*)

Response

As noted in the DEIR (footnote 3, p. 20), the analysis of the buildings on the project site and their historical significance, including their role in San Francisco labor history, was based upon a background report prepared by Page & Turnbull. The report is available for review at the Planning Department. As stated in the Introduction to the DEIR (pp. iv–v), although the Final EIR for Rincon Hill Plan included the proposed 340-350 Fremont Street project in its analyses, the Plan EIR (p. C&R-72) concluded that, pending further research, the two buildings on the project site could be historical resources under CEQA because of “their link to San Francisco labor history, and maritime labor history in particular.” Hence, Page & Turnbull was commissioned to undertake that further research—a project-specific study of the buildings’ “link to San Francisco labor history.” This study confirmed the FEIR’s preliminary finding. Thus, a Tiered EIR was prepared for the proposed 340-350 Fremont Street project to evaluate this project-specific impact, which had not been definitively analyzed in the Plan EIR.

Visual Quality

Comment

VISUAL IMPACTS

The text of the DEIR downplays the rather sobering adverse impact this project and the others like it in Rincon Hill will have on how the City is seen from the Bay Bridge and how people IN the City see the Bridge and the Bay.

The photos in the DEIR – which supposedly show the cumulative impacts of new residential towers in this area – leave a LOT to be desired. Page 48 – besides this proposed project, shows only One Rincon Hill as a “new project.” WHERE ON THE SKYLINE ARE ALL THE OTHER PROJECTS THAT HAVE BEEN APPROVED OR ARE UNDER REVIEW? The area that should be included is projects in the area shown by the various photos – which would include Hawthorne Street projects and 301 Mission Street as well. If MEA doesn’t have a list, I would be glad to provide it. (My “building a neighborhood/community” comments include a list of what I believe to be recent Rincon Hill projects which have been approved.) Please ensure that all of these are included in your visual renderings. This EIR must include analysis of cumulative impacts, as well as a project specific analysis. This must include PROPOSED projects (SFRG v CCSF). The same inquiry is made of pp. 49 (from Bridge) and p. 50 (from Randall Museum). The last photo at least includes 45 Lansing.

The public and the decision makers are not getting the visual information that EIRs are supposed to provide. This specifically includes this 340 Fremont EIR.

The 399 Fremont Street project seems to be shifting. The renderings must accurately show the project currently being proposed.

For comparison I direct your attention to photo renderings at pages 92-116 of the Rincon Hill Plan DEIR (2000.1081E). Some of those photos show buildings that have already been approved – and some are UNDER CONSTRUCTION – at 300 Spear, 201 Folsom, 45 Lansing, “gas station site,” “s side of Harrison near First,” “Fremont/Harrison Tower.”

In addition to requesting photos which show ALL of the proposed or approved buildings, I request that the photos be LEGIBLE. To understand visual impacts THE RENDERING NEED TO BE UNDERSTANDABLE. I specifically direct your attention to Figure 16 on page 49. The One Rincon Hill project is virtually invisible!!! The QUALITY of the photos - both from the Bridge and to the Bridge from the central part of the City – is such that no one will be able to UNDERSTAND the loss of visual connection from the Bay Bridge to Twin Peaks. When visual issues are so important, even if the developer doesn’t want to pay for high quality renderings in the EIR, he MUST provide them and MEA must require them. The renderings that they supply for project approval are not this shabby. The EIR is a PUBLIC INFORMATION DOCUMENT. These photos, as they are reproduced in the DEIR are junk and seem to intentionally distort and downplay visual impacts.

As the buildings currently under construction start “breaking” the skyline, and people coming across the Bridge can no longer see Twin Peaks and thus lose “orientation” people will start being concerned. The idea of an EIR is that the public get information BEFORE projects are approved. Similarly, people coming down upper Market Street are on the verge of losing their view of the Bay Bridge towers which are being incrementally obliterated by each of these buildings, including 340 Fremont.

DOES THIS PROJECT SIGNIFICANTLY FILL IN – AND “BENCH” – THE SKYLINE SO THAT WE NO LONGER HAVE A VISUAL CONNECTION BETWEEN THE BAY AND THE BAY BRIDGE AND A LARGE PART OF THE CENTER OF THE CITY? I refer you to policies in the Urban Design Plan of the General Plan. The EIR is required to provide THAT information. (*Sue C. Hestor*)

Response

The comments regarding cumulative impacts are misplaced in the context of the EIR for the proposed 340-350 Fremont Street project. As noted in the introduction to the Draft EIR (p. v):

The CEQA concept of “tiering” refers to the coverage of general environmental matters in broad program-level EIRs, with subsequent focused environmental documents for individual projects that implement the program. *The project environmental document incorporates by reference the discussions in the Program EIR and concentrates on project-specific issues.* CEQA and the CEQA Guidelines encourage the use of tiered environmental documents to reduce delays and excessive paperwork in the environmental review process. This is accomplished in tiered documents by eliminating repetitive analyses of issues that

were adequately addressed in the Program EIR and by incorporating those analyses by reference. (*emphasis added*)

Public Resources Code Section 21068.5 (CEQA) states that tiering “means the coverage of general matters and environmental effects in an environmental impact report prepared for a policy, plan, program or ordinance followed by narrower or site-specific environmental impact reports which incorporate by reference the discussion in any prior environmental impact report and which concentrate on the environmental effects which (a) are capable of being mitigated, or (b) were not analyzed as significant effects on the environment in the prior environmental impact report.” CEQA Guidelines Section 15152 (Tiering) states that tiering “can eliminate repetitive discussions of the same issues and focus the later EIR or negative declaration on the actual issues ripe for decision at each level of environmental review” (Guidelines Sec. 15152(b)). Accordingly, the DEIR concentrates on the project-specific impacts of the proposed 340-350 Fremont Street project, including visual impacts, and relies upon the cumulative analysis in the Rincon Hill Plan EIR, which determined that the cumulative visual effects of development pursuant to the Plan would be less than significant. This finding remains valid. The Plan EIR, which was incorporated by reference into the 340-350 Fremont DEIR, fully analyzed visual impacts of the various Plan options, including presentation of three sets of visual simulations depicting various potential cumulative development scenarios (Plan EIR Figures 26–50), and no new information has come to light that indicates that cumulative visual effects would be substantially more severe than shown in the Plan EIR, or that new visual effects would occur (CEQA Section 21166(c); CEQA Guidelines Sec. 15162(a)(3)). The public, along with the Planning Commission and Board of Supervisors, extensively debated the effects of the Plan and their analysis in the Plan EIR, and through that process the “public and the decision makers [received] the visual information that EIRs are supposed to provide.” As described in the DEIR, the only significant impacts that “were not analyzed as significant effects on the environment in the prior environmental impact report” are those effects on historical resources, which the DEIR identified as significant.

The One Rincon Hill project alone was included for context in some of the visual simulations because it is the only project in the immediate vicinity that is currently under construction.¹ One Rincon Hill was deliberately presented in a less bold manner (i.e., shown as an opaque massing model only) because, as noted previously, the DEIR was intended to portray project-specific impacts because cumulative visual impacts were adequately analyzed in the Plan EIR.

Concerning the proposed project at 399 Fremont Street (across from the project analyzed in the DEIR), it is acknowledged that this proposed project has recently been revised to take the form of a single 400-foot tower, as described in the Rincon Hill Plan FEIR and included in the FEIR as a revised Preferred Option for the Rincon Hill Plan. The Rincon Hill Area Plan revision and Rincon Hill Downtown Residential Mixed Use (DTR) District as approved by the Board of Supervisors

¹ The project at 45 Lansing Street is included in one long-range visual simulation because it has been approved.

included, in Planning Code Section 270(e)(1), an explicit exception to the 115-foot tower separation requirements of the Rincon Hill DTR District for the site of the currently proposed 399 Fremont Street project. The Plan FEIR found that this proposed 399 Fremont Street project would not have any impacts substantially greater than those analyzed in the Draft EIR for the Rincon Hill Plan. Specifically in regard to visual quality, the current proposal for 399 Fremont Street was depicted with sufficient accuracy to demonstrate its visual impacts as part of the Plan EIR's analysis of the 82.5-Foot/Extended Pipeline Option (see Figures 29, 34, 39, 44, and 49 of the Plan EIR).

Regarding view blockage for motorists traveling to and from the Bay Bridge, this issue was also addressed in the Plan EIR. Section III.B, Visual Quality, of the Plan FEIR contains a discussion of the potential for development pursuant to the Draft Plan to affect visual quality and views and to result in changes in urban form, including effects on views of and from the Bay Bridge. For instance, the Plan FEIR states, "The Plan also could lead to the removal of visually important buildings, notably the Bank of America (former Union Oil Co.) Clock Tower at First and Harrison Streets, visible to those crossing the Bay Bridge into San Francisco" (p. 84); "From the Bay Bridge, these buildings would increase the existing scale of development and bring the backdrop of tall buildings once located north of Mission Street further south, closer to the Bridge" (p. 117); "depending on the specific location on the Bridge, towers that could be developed under either the Preferred or 82.5-foot Separation Options could obstruct views of Twin Peaks in the distance" (p. 117); and "all options, including foreseeable development under existing controls, could partially block views of the Bay Bridge towers" (p. 118). Also, Plan FEIR Figures 26–30 depict simulated westward views from the upper deck of the Bay Bridge.

The visual simulations and all other figures are reproduced using standard photocopying techniques. In the view of the EIR authors, the quality of the visual simulations is sufficient to support the information presented in the text.

The Urban Design Element of the General Plan is discussed on pp. 39-40 of the DEIR.

Comment

A specific question – what does this building look like?

The elevations on pages 13-16 show NO context. They are just isolated architectural sketches. The photo renderings on page 46 and 47 have a large chunk of the top of the building lopped off. They gives no idea of the TOTAL scale of the project compared to its context. (*Sue C. Hestor*)

Response

The elevations depicted in DEIR Figures 5 through 8 (pp. 13–16) were prepared by the project architect and are typical of the information that is presented in an EIR. Concerning the visual

simulations, the Planning Department's Major Environmental Analysis unit has consistently and for many years presented the same type of information as is included in this DEIR: visual simulations that show both pedestrian (close-up) and longer-range perspectives. Accordingly, the simulations of the proposed project on pp. 46 and 47 (Figures 13 and 14), which are from pedestrian (i.e., close in) viewpoints, do not depict the entire building because to do so would distort the photograph. On the other hand, Figures 12, 15, and 16 (pp. 45, 48, and 49) do depict the entire building, as the photographs used in those simulations are taken from vantage points farther from the project site.

Transportation

Comment

TRANSPORTATION IMPACTS

According to page 76 this project has NO transportation impacts, either project specific or cumulative.

There must be a finding of SIGNIFICANT TRANSPORTATION IMPACTS. I refer to page 233 of the Rincon Hill Plan EIR. It finds –

...after the introduction of “living streets” treatments which would convert Main, Beale, and Spear Streets from one way streets to two-way operation, as well as narrowing certain streets, would result in a significant impact at six of the study intersections (Fremont/Harrison, which would degrade from LOS E to LOS F, and First/Market, Embarcadero/Folsom, Beale/Folsom, Main/Folsom, and Spear/Folsom, which would degrade from LOS D or better to LOS E or F). At the last three intersections, the impact would be significant and unavoidable if four eastbound lanes were not maintained on Folsom Street.

Plan-generated traffic would contribute to a significant cumulative impact related to intersection LOS degradation at two intersections in the Plan area and vicinity.

How does THIS project's transportation impacts differ from the CUMULATIVE impacts described in the Rincon Plan EIR? What **SPECIFIC** measures have been taken – this means funded, designed, scheduled for construction – to mitigate those adverse impacts so that they will be AVOIDED?

In other words, what IMPLEMENTATION measures pursuant to the Rincon Plan are GUARANTEED?

The DEIR discussion on p. 53 – which recites significant and UNMITIGATABLE cumulative impacts at First/Folsom, Harrison/First, Fremont/Harrison, and Embarcadero/Folsom – is not carried over to the Findings of Significance on page 76.

MEA continues to assume away increased traffic from this (as well as other similar projects) despite the fact that the City has taken no identifiable steps to increase transit service to Rincon Hill, or complete pedestrian improvements that will encourage people to WALK. Without effective FUNDING and

UNDERWAY improvements, the transportation analysis is a sham. You do not KNOW that this project will not contribute to increased traffic/intersection congestion. You are HOPING it will not.

Again, compare the number of units in this project to the total number of units already proposed or approved. Please adjust the number to reflect the revised 355/375/399 Fremont project. (*Sue C. Hestor*)

Response

As stated on p. 53 of the DEIR, “the proposed project would not result in any project-specific adverse impacts at any of the study intersections” analyzed for project impacts. Moreover, while four of the six intersections analyzed for project impacts would operate at LOS E or F in 2020 with the addition of cumulative traffic, “the proposed project’s traffic contributions to the adverse cumulative conditions at the four intersections that would operate at LOS E or LOS F would not be considered significant.” Thus, while the DEIR acknowledges that the Rincon Hill Plan EIR found significant impacts at four intersections that could not be mitigated, the DEIR correctly determined that, because the proposed 340-350 Fremont Street project would not make a considerable contribution to effects at these intersections, the project would not result in a significant impact at these intersections. (“Where a lead agency is examining a project with an incremental effect that is not ‘cumulatively considerable,’ a lead agency need not consider that effect significant, but shall briefly describe its basis for concluding that the incremental effect is not cumulatively considerable” [CEQA Guidelines Sec. 15130(a)].) When employing tiering and evaluating the potential for cumulative impacts, “the lead agency shall consider whether the incremental effects of the project would be considerable when viewed in the context of past, present, and probable future projects. At this point, the question is not whether there is a significant cumulative impact, but whether the effects of the project are cumulatively considerable” (CEQA Guidelines Sec. 15152(f)(2)). The comment that “MEA continues to assume away increased traffic” is unfounded. As noted by the commenter, and as restated above, the Rincon Hill Plan EIR identified significant unmitigable traffic impacts due to traffic anticipated to be generated by all development in the Plan area, as well as by other cumulative traffic such as that generated by development in the nearby Transbay Redevelopment Area.

Concerning the currently proposed project at 399 Fremont Street, trips generated by this project were included in the cumulative analysis in the Rincon Hill Plan EIR.

Comment

TRANSIT

Muni service is pathetic to non-existent in Rincon Hill. The 340 Fremont Street site is UPHILL from service on Market and Mission. The walk from those streets is bleak, surrounded by rushing cars, crossing fast traffic on Howard, Folsom and other streets, with noise and pollution, even for a hardy walker. Are

there scheduled transit improvements for this area? Adjustments in Muni lines? Increases in Muni service? Please make any comments re DISTANCE in feet, not in blocks. South of Market has huge “vara” blocks which are 2 to 3 times as long as “normal” SF blocks.

The “usual” analysis of rush hour traffic is insufficient for a RESIDENTIAL AREA. Residents – particularly if the City wants to attract them to use transit for most of their trips, rather than autos – need to have a dense, readily available transit system. The IMPACTS are impacts of demand and whether it will be met, or whether the non-transit system will force people to use their cars.

What transit improvements is the City committed to in Rincon Hill? How will these RESIDENTS be served? Not just at pm peak, but will they have an intense transit system to move them at all hours of the day to other parts of the City? (*Sue C. Hestor*)

Response

The Rincon Hill Plan EIR did not identify significant impacts to transit, and because the proposed 340-350 Fremont Street project would constitute a relatively small percentage of Rincon Hill development, the DEIR for the proposed project likewise identified no significant transit impacts. The availability of transit was taken into account in the transportation study, as it was in the transportation study for the Plan EIR, which is incorporated by reference into the DEIR. In fact, the Plan EIR (p. 123) noted, “Transit service in the Plan area is more limited than in the financial district a few blocks north, due to historically lower levels of activity in the area. Additionally, the South of Market’s large blocks tend to make walking to transit less appealing. Only two Municipal Railway lines provide direct service within the Plan area (including Folsom Street, which marks the northern boundary of the Rincon Hill area)—the 10-Townsend Street and 12-Folsom Street, and neither line has peak-hour headways of less than 10 minutes. (Midday service is at 15- to 20-minute headways.) Furthermore, service on the 10-Townsend line skirts the edge of the Plan area. Other Muni lines operate around the edge of the Plan area...” The Plan FEIR also noted transit ridership to work among Rincon Hill residents is only about one-third that of Citywide ridership (11 percent versus 31 percent), although in Rincon Hill “about 40 percent of residents walk to work, an extremely high percentage that is clearly a result of the neighborhood’s proximity to the downtown employment center...” (Citywide, less than 10 percent of residents walk to work.) The Plan EIR did not assume improvements in Muni service that are not funded, nor did the DEIR for the proposed 340-350 Fremont Street project. The commenter’s statement regarding the Plan area’s lack of transit service is noted, but no related significant impacts were identified in either the Plan EIR or the DEIR for the proposed 340-350 Fremont Street project.

The commenter presents no evidence why analysis of peak-hour conditions is inappropriate for the project area. The peak hours are typically when traffic volumes and transit ridership are greatest, and therefore impacts are most substantial. This is particularly true in Rincon Hill,

where, as was noted in the FEIR (p. 128) for the Rincon Hill Plan, “intersection operations on certain streets are dictated largely by the operations of downstream intersections and the I-80/U.S. 101 on-ramps.” These streets and intersections, most notably, have far higher volumes during the peak hour than during other times of the day.

Population, Housing, and Socioeconomic Issues

Comment

HOUSING

Page 8 of the DEIR says that of the 380 dwelling units proposed, $\frac{3}{4}$ will be studios or one-bedroom units. $\frac{1}{4}$ will be 2-bedroom or more units. Please discuss this project against the GOALS for housing production in the City’s Housing Element. The overall mix of units in projects approved in Rincon Hill should be compared against the City’s housing needs – $\frac{3}{4}$ of the need is NOT for non-family units.

What is the overall nature of the housing that is being produced in Rincon Hill and in this project?

The dramatic change in the character of this “neighborhood” is evident when one reads the history of this site/area set out in pages 24-31. I doubt that any of the former workers on these sites could afford to live here. (*Sue C. Hestor*)

Response

The General Plan Housing Element emphasizes the need for increased production of affordable housing in the City. The Housing Element also calls for development of higher residential density in areas adjacent to downtown, especially when higher density results in a substantial number of units affordable to lower income households. The Housing Element shows that, during the 10-year period ending in 1998, the City fell well short of its state-mandated housing production goals, producing just 1,417 units per year, or 41 percent of the goal of 3,456 annual units. The discrepancy was substantially greater for units affordable to very-low- and low-income residents: in each category, only 27 percent of the targeted number of units was produced.²

The Rincon Hill Plan, through the Rincon Hill DTR District regulations, requires projects in the Plan area to provide 12 percent of units on-site as affordable (or the equivalent of 17 percent of on-site units must be affordable if developed off-site), consistent with citywide inclusionary housing requirements imposed when Conditional Use authorization is needed for a project. (Citywide, with no Conditional Use, the requirements are 10 percent and 15 percent.) The Plan also requires that affordable housing units constructed off-site be built within the South of Market area. In addition, zoning controls require that at least 40 percent of all units on-site must have at

² General Plan Housing Element, adopted May 13, 2004; Table I-65, p. 120.

least two bedrooms, to encourage provision of family-sized housing, and “projects are encouraged to have at least 10 percent of all units on site with three bedrooms or more” (Planning Code Sec. 827(b)(3)). Clearly, however, even if the equivalent of 17 percent of new Rincon Hill units are affordable to very-low- and low-income residents, this production, in itself, will not meet the City’s future need for affordable housing. However, to the extent that more affordable units are constructed, as a consequence of market-rate development in Rincon Hill, than would occur otherwise, the Rincon Hill Plan would provide for some progress in meeting the City’s demand for affordable housing. The proposed 340-350 Fremont Street project would comply with the inclusionary housing requirements within the Rincon Hill DTR district, and would not result in any new or substantially more severe impacts with regard to population or housing beyond those identified in the FEIR.

Comment

BUILDING A NEIGHBORHOOD/COMMUNITY

The introduction says that community improvement fees have been imposed to fund open space, pedestrian and streetscape improvements, traffic calming, and a community center and library. To date projects have been approved in Rincon Hill at 201 Folsom (2 buildings), 300 Spear (2 buildings), 325 Fremont, 333 Fremont, 375 Fremont, 399 Fremont (pending), 45 Lansing, 81 Lansing, 333 First, 355 First, 425 First (2 towers), 370 Beale, 388 Beale, and possibly some I have missed.

- a) Please state the number of stories (height) and number of dwelling units in each building, and the total that have been approved or are pending.
- b) Please state the number of on-site affordable units
- c) Please state the selling price range for those which have been sold – what is the level of “affordability” for these units?

Regarding the community improvements –

What is the status of open space **funding and development** in Rincon Hill?

What is the status of pedestrian improvement **funding and development** in Rincon Hill?

What is the status of streetscape improvement **funding and development** in Rincon Hill?

What is the status of traffic calming improvement **funding and development** in Rincon Hill?

What is the status of community center **funding and development** in Rincon Hill?

What is the status of branch library **funding and development** in Rincon Hill? (*Sue C. Hestor*)

Response

As noted in the response under Visual Quality concerning Tiering, p. C&R-9 of this document, cumulative impacts of development in the Rincon Hill Plan Area were addressed in the Plan EIR, and need not be re-evaluated in this Tiered EIR for the proposed 340-350 Fremont Street project. Information concerning the height of buildings and number of units approved and/or proposed for projects in Rincon Hill is included in the Plan EIR in Chapter II, Project Description (for buildings not yet built) and in Chapter III.A, Land Use, for residential towers that are already occupied. (Certain smaller projects, such as the 33-unit condominium building at 81 Lansing Street, were not explicitly discussed, as they are too small to have substantial impacts of their own or to contribute considerably to any cumulative impacts.) Since the adoption of the City's Inclusionary Affordable Housing Program in 2002, no projects built in Rincon Hill have included the mandated affordable units on-site. Rather projects approved have either committed to construct the required number of affordable units at another location in San Francisco or have paid an in-lieu fee. Two high-rise residential projects have been approved since the 2005 adoption of the Rincon Hill DTR Use District and the revisions to the Rincon Hill Area Plan. These projects are One Rincon Hill (425 First Street) and 45 Lansing Street. To date, only the One Rincon Hill project has been issued a building permit, which is the stage at which the inclusionary housing requirement is imposed. This project paid an in-lieu fee to the Mayor's Office of Housing, as permitted under Planning Code Sections 315.4(e)(2) and 315.6.

Concerning funding and development of community improvements in Rincon Hill, as noted above, two large residential projects have been approved since the community improvement fees specified in the Rincon Hill Plan and Rincon Hill DTR Use District became effective; one of these projects (One Rincon Hill) is under construction. The Planning Code requires, prior to issuance of site or building permits, that a project sponsor pay the \$11 per square foot Community Improvement Impact Fee (to fund many of the improvements noted by the commenter) or enter into a waiver agreement under which the sponsor agrees to "make a good faith effort to secure the formation of a Community Facilities (Mello-Roos) District, if such a district has not already been successfully formed, and to take all steps necessary to support the construction of a portion of the [Rincon Hill community] improvements described in Section 318.6" of the Planning Code, including many of the improvements noted by the commenter. The developer of the One Rincon Hill project has entered into such a waiver agreement with the intention of forming a Mello-Roos Community Facilities District. Once the district is formed, it would issue bonds to fund the proposed community improvements; the bonds and associated interest would be repaid through an annual assessment on property owners within the district. The other approved project (45 Lansing Street) has not been issued permits and has not yet paid the fee or entered into a waiver agreement. Both projects, as well as the proposed 340-350 Fremont Street project and other subsequent projects in Rincon Hill, are also liable for a separate \$13.75 per square foot "SOMA Community Stabilization Fee" that must be paid prior to the issuance of a final certificate of occupancy (Planning Code Sec. 318.3(b)(ii)).

D. Staff-Initiated Text Changes

The following changes to the text of the Draft EIR are made in response comments on the DEIR or are included to accommodate proposed revisions to the EIR text recommended by Planning staff. In each change, new language is double underlined, while deleted text is shown in ~~strike through~~, except where the text is indicated as entirely new, in which case no underlining is used for easier reading.

On page 67—69, the Mitigation Measures for Historical Resources are revised as follows to incorporate suggestions made by the Landmarks Preservation Advisory Board and the Workplace History Organization, and to clarify that implementation of these measures would not be required to be through a City-administered contract, even though the work would be directed by Planning Department staff:

Project Mitigation Measure 1a—HABS Recordation

To partially offset the loss of 340 and 350 Fremont Street, the project sponsor shall, at a minimum, ensure that a complete survey, to the standards of the Historic American Building Survey (HABS), is undertaken prior to demolition. This survey should include a written description and historic narrative, and large-format photographic recordation of the 340 and 350 Fremont Street buildings in their present condition, as well as photo-documentation relevant to the buildings' historic use. The HABS documentation produced pursuant to this measure shall be made available to the San Francisco Public Library History Room, the Museum of the City of San Francisco, and the Labor Archives and Research Center at San Francisco State University, in conjunction with the Area Survey prepared pursuant to Mitigation Measure 1b, and shall also be incorporated into the Permanent Interpretive Exhibit prepared pursuant to Mitigation Measure 1c to the maximum feasible extent.

HABS recordation does not fully mitigate the loss of historic structures. Although the primary significance of the 340 and 350 Fremont Street buildings relates to association and not architecture, ~~nonetheless~~ demolition of the 340 and 350 Fremont Street buildings would nonetheless result in significant, unavoidable impact on historical resources. In addition, demolition of 340 and 350 Fremont Street, together with demolition of other maritime union buildings, may result in a significant cumulative impact. Therefore, additional mitigation measures are identified below.

Additional Mitigation Measures

Given the anticipated loss of several buildings in the Rincon Hill Plan area, the Plan EIR included an Improvement Measure (p. 232) that, while it would not reduce impacts of the Plan to a less-than-significant level, would contribute to knowledge of historical resources in the Plan area. The measure is as follows:

The Planning Department will undertake an evaluation of the Rincon Hill Plan area for cultural/historical resources. The City-managed survey/evaluation would be funded by contributions from developers of projects within the Plan area. The study would consist of 1) research (beginning with what has been developed to date for the area) on the patterns of history and significance of the area in various contexts (i.e., early San Francisco settlement, labor, Filipino and other ethnic communities, etc.), resulting in a comprehensive context statement for the Plan area, including map locations; 2) architectural evaluation of the area's built environment in relation to the context statement, resulting in individual property evaluations and identification of any clusters,

sub-areas, or themes to which the property belongs; and 3) determination of enough resources with sufficient integrity remain to support formation of a historic district.

In recognition of this measure, and because the project would result in the loss of two of the related maritime union buildings deemed to be historic resources under CEQA, the following additional mitigation measures are identified. These measures would be implemented by the project sponsor through a direct financial contribution to an earmarked City fund, supplemented by grant monies and potentially by contributions from other project sponsor(s), with work ~~contracted, managed, directed~~ and monitored (including identifying curation and coordinating agency approvals) by the Planning Department, ~~with a quarterly billing to and funded by the sponsor(s).~~

The following mitigation measures, tailored to suit the proposed project, would be implemented by the project sponsor and sponsor(s) of other Rincon Hill projects, as directed by the Planning Department.

Project Mitigation Measure 1b—Area Survey

To partially offset the cumulative loss to the historic context of the existing area, and to support the development of Mitigation Measure 1c, a historic narrative and survey shall be prepared to record the patterns of history and significance of Rincon Hill in the context of buildings associated with (e.g., owned or occupied by) maritime labor organizations important to the area history, including map locations. The resulting documentation shall include large-format photographic recordation (both current and historic), and identification of salvage materials and building elements. Written materials and large-format photography shall be presented to the San Francisco Public Library History Room, the Museum of the City of San Francisco, and the Labor Archives and Research Center at San Francisco State University.

Project Mitigation Measure 1c—Permanent Interpretive Exhibit

To partially offset the cumulative loss to the maritime labor historic context of the existing area, a detailed, high-quality exhibit on maritime worker history in San Francisco, specifically focusing on the period from 1936 to 1966, and on AFL maritime unions and social institutions that located major structures on Rincon Hill during that time, shall be prepared. The exhibit should include historic photographs, archeological and salvage artifacts, and interpretive text on twentieth century strike history and labor life. A labor historian experienced in that field and an architectural historian qualified as per the Secretary of the Interior's Standards shall conduct the research for the exhibit, and design of the exhibit shall be in consultation with a professional exhibit designer and/or public art historian, and with representatives of some of the major surviving maritime unions, especially the International Longshore and Warehouse Union and the Sailors' Union of the Pacific. The exhibit shall be placed on permanent public display in the immediate vicinity of the existing buildings involved in the context, and shall be created with materials suitable to its location (e.g., durable waterproof materials for exterior display). If the Sailors' Union of the Pacific union hall becomes a community center, as envisioned under the Rincon Hill Plan, a public space in the building such as the lobby would be an ideal location to place the exhibit on permanent display. In addition to the permanent exhibit, additional materials for off-site lectures, presentations, or temporary exhibits at other locations, such as the Museum of the City of San Francisco, may be developed. Additionally, the exhibit should include an outdoor public information component in the form of an Interpretive Trail presenting neighborhood history through public interpretive information and photos, such as through the installation of information plaques in the sidewalk (as used for the Barbary Coast walk) and/or on new buildings developed on Rincon Hill, or the installation of

informational kiosks (as along the Embarcadero) or some similar approach that would inform the public as to important sites in the history of maritime labor on Rincon Hill. An accompanying publication should be prepared, drawing upon the area survey and research, presented in one or more accessible formats for public information, made available in electronic form through a website and hardcopy formats available on-site and elsewhere. Plans for implementation of this measure shall be developed by Planning Department staff working with the project sponsor(s) and the qualified professionals noted above prior to the issuance of demolition permits, and the proposal shall be presented to the Landmarks Preservation Advisory Board for review and comment.

Implementation of the above mitigation measures would reduce the effect of the loss of several related maritime union buildings on Rincon Hill that are identified as historical resources under CEQA and that have importance in the maritime worker history of Rincon Hill. However, the demolition of the buildings at 340 Fremont Street and 350 Fremont Street, as a result of the proposed project, would constitute a considerable contribution to a cumulative significant impact, and could not be fully mitigated.

The above mitigation measures would also serve to partially implement the Rincon Hill Plan FEIR improvement measure noted above. The Planning Department will continue to pursue, subject to available funding, implementation of other aspects of the FEIR improvement measure, including preparation of a comprehensive historic narrative and survey to record the patterns of history and significance of the area in contexts other than labor history (i.e., early San Francisco settlement, and Filipino and other ethnic communities), resulting in a comprehensive context statement for the Plan area, including map locations.

Attachment 1: Comment Letters

• CHAPTER IX

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